



THE STATE  
*of* **ALASKA**  
GOVERNOR MIKE DUNLEAVY

## Department of Public Safety

DIVISION OF ALASKA WILDLIFE TROOPERS  
Office of the Director

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January 14, 2025

Madam Chair Marit Carlson-Van Dort  
Alaska Board of Fish  
P.O. Box 115526  
Juneau, AK 99811

Madam Chair and Board of Fish Members:

AWT recognizes that regulations are developed by the Alaska Boards of Fish and Game through the public process to support management plans. Management plans rely upon public compliance with regulations to achieve success. Enforcement is a crucial element needed to ensure long-term compliance with regulations by the public. The Alaska Wildlife Troopers request the board recognize that the division has limited resources and manpower, and any new regulation scheme or area restrictions may place an additional burden on AWT. When the board considers proposals having to do with allocation or biological concerns, AWT is generally neutral in position and will not have a written comment.

Upon review of the proposals for the 2025 Ketchikan meeting AWT provides the following comments for consideration:

**Proposal 119 and 120** seek to close the nonresident sport fishery for king salmon for two days a week or on weekends.

AWT is neutral to the allocation, however this change would create regulatory complexity, could increase the number of false claims to residency, and it would be difficult to distinguish the difference when a non-resident could claim they are fishing for other salmon species in the saltwater. If a non-resident claimed they are fishing for coho, when in fact they are targeting kings, there would be nothing enforcement could do.

**Proposal 169** seeks to allow use of two fishing rods used in conjunction with a down rigger or hand troll gurdy to be used during the spring and summer troll fisheries.

AWT is neutral on this proposal though there is concern with the possible increase of quasi-commercial fisherman participating in the fishery and having to determine if they are commercial or sport fishing at the time of contact. With allowing fishing rods to be operated in conjunction with downriggers it is likely that both guided and non-guided sport anglers would participate in a commercial fishery to bypass bag limits seen in sport fisheries and still use fishing rods with downriggers. A registered commercial hand troll vessel fishing in waters closed to commercial fishing could claim they are sport fishing when contacted with fishing rods in conjunction with downriggers deployed, creating additional efforts for enforcement to confirm if they are lawfully sport fishing. Though this method is allowed in the winter fisheries, it is less of a concern as the overall effort towards sport fishing is reduced significantly in Southeast during this time. If the board does accept this proposal, it should clarify as it does in the winter season under 5AAC 29.120(j)(2) and (j)(3) whether the downrigger must be powered by hand or if other mechanical means can be used.

**Proposal 202** clarifies that only one line can be used for dinglebar gear in the lingcod fishery.

AWT supports this proposal. Recently, during a hearing, the court interpreted this regulation more liberally, therefore rendering it unenforceable based upon the board's previous intent. This proposal will work to firm up the intent of the regulation, and remove ambiguity due to recent court actions. 5AAC 39.105 states the types of gear, but 5AAC 28.130 clarifies what can be legally used in Eastern Gulf and how they may be used.

**Proposal 211** adds that Rockfish bycatch overages may be retained for personal use or donation by the CFEC permit holder fishing groundfish or halibut.

AWT opposes this proposal. Bycatch overages are property of the state and should not be retained by anyone, this is no different than taking an overlimit during sport fish and allowing the catcher to keep or donate it. AWT opposes as it could encourage fraudulent practices and create a commercial market for bycatch retained for personal use. This is a pathway to incentivize catching over the allowable bycatch.

**Proposal 219** seeks to clarify when a sea cucumber permit holder is in possession of the product they harvest.

AWT opposes this due to enforcement concerns. Clarification is not needed, Alaska statute prohibits people other than the permit holder from possessing commercial products under the circumstances presented by the proposer. Possession of product at all times by permit holder is not required, however, possession by licensed crew and non-permit holders is restricted in Statute (AS16.43.140) and CFEC regulations (20AAC05.110). Possession defined in *AS11.81.900 (50)* "possess" means having physical possession or the exercise of dominion or control over property.

**Proposal 220** seeks to allow crew members to be in possession of sea cucumbers harvested by the sea cucumber permit holder where the permit holder does not need to be within the “vicinity” of the vessel.

AWT opposes this proposal due to enforcement concerns with allowing permit holders to leave product with crewmembers. As written if passed, a permit holder would be allowed to depart the fishing grounds and return to port while a crewmember brings the vessel back with product on board. This will provide a defense in cases where AWT suspects a permit holder was not present during a fishery. This is also restricted in Statute (AS16.43.140) and CFEC regulations (20AAC05.110).

**Proposal 227** seeks to allow more than one CFEC shrimp pot permit holder to fish from the same vessel and jointly operate pot gear in aggregate of no more than 50% allowed gear for the additional permit.

AWT is neutral to this allocation, but if passed the board should consider language similar to 5AAC32.125 (e) for gear marking when two permit holders are operating off the same vessel.

**Proposal 234 and 245** seek to change the start time for the Registration Area “A” commercial golden king crab and Tanner crab fishery from 1200 noon to 0800 on the day of the fishery.

AWT opposes a 0800 hour start time due to available day light at this time of year. This would reduce our ability to detect gear operating prior to the start time. This is especially important with the current derby style of the GKC fishery in East Central. It also is imperative that the tanner and GKC have simultaneous starts to reduce confusion. AWT does not oppose an early start time, but 0800 is too close to sunrise and would limit our ability for enforcement from both the water and the air.

**Proposal 236 and 247** seek to increase the depth that Registration Area “A” commercial king crab and Tanner crab pots can be stored from 10 to 20 fathoms.

AWT opposes this proposal due to the clear delineation currently between the fishing grounds and storage grounds for crab gear when the depth is limited to 10 fathoms. The current depth allows AWT to distinguish the difference between stored and fishing pots, as traditionally the target species are not near the 10-fathom depth.

**Proposal 240** seeks to allow participants in the Registration Area “A” Tanner and golden king crab fisheries to have Tanner crab aboard their vessel while fishing for golden king crab in a closed commercial Tanner crab area.

AWT opposes this proposal as it would allow a permit holder to continue to haul and retain Tanner crab while fishing for golden king crab in an area closed to commercial Tanner crab fishing. This would greatly complicate enforcement of closed waters and closed season regulations.

**Proposal 241, 248 and 252** seek to allow a vessel participating in a Registration Area “A” crab fisheries to operate groundfish coil spring pots to catch bait.

AWT opposes these proposals. If this passed, this would compound the presence of bait pots and shellfish pots in the same area, and this proposal has no defined pot limits, marking requirements, or depth restrictions. Currently, bait fishing for groundfish with longline gear is allowed by Tanner and golden king crab fishery participants during these crab fisheries or use one of their tags for a groundfish pot. Regulations for each of these fisheries prohibit the operation of other pot gear during the season, but participants may use a lawful pot for the fishery they are operating in to retain groundfish during the season. This “bait” pot must meet all gear requirements for the pot fishery they are operating in and include a pot identification tag.

Thank you for your time,

A handwritten signature in blue ink, appearing to read "Derek DeGraaf".

Captain Derek DeGraaf  
Alaska Wildlife Troopers