

ACR 5

Redefine Bristol Bay commercial salmon vessel specifications and operations (5 AAC 06.341).

CITE THE REGULATION THAT WILL BE CHANGED IF THIS ACR IS HEARD.

Alaska Administrative Code Number 5 AAC: 5 AAC 06.341. Vessel specifications and operations.

WHAT IS THE PROBLEM YOU WOULD LIKE THE BOARD TO ADDRESS? STATE IN DETAIL THE NATURE OF THE CURRENT PROBLEM.

The Bristol Bay vessel specifications are described in 5AAC 06.341 of the Alaska Administrative Code. The regulation limits drift gillnet vessels to 32 feet in overall length, with a few exceptions. The 32-foot length limitation to commercial fishing vessels in Bristol Bay was established in 1949 and there have been just a few descriptive changes of that length throughout the years. The current regulation and description have been in effect since 1991.

The regulation defines "overall length" as the straight-line measurement between the extremities of the vessel, but does not include fish drop-out baskets, anchor rollers, gillnet rollers, trim tabs, outrives or outrive guards. The regulation defines each of the items that are not included in the 32-foot measurement. In recent Alaska Wildlife Troopers (AWT) enforcement efforts many vessels that were measured were 32 feet in overall length, however A WT has noted multiple items that have been modified, added to, or repositioned on vessels beyond the 32-foot limit in the 32 years since the regulation was adopted.

- AWT has seen several anchor rollers that are longer than the allowed eight inches in length extending beyond the 32-foot length or are taller and wider than the allowed eight inches.
- Fish drop-out baskets have been modified significantly. Baskets are now being built out of large diameter aluminum tubing that is sealed and provides flotation when submerged under heavy loads. A fish drop-out basket may not provide flotation.
- Gillnet Rollers may extend beyond the 32-foot length, but the structure or mount the roller sits on are not authorized to extend beyond the 32-foot length. Vessels have extended their deck working space by building mounting structures off the stem of the vessel and moving the gillnet roller further back. These transom extensions of the hull beyond 32-foot overall length used to mount the gillnet roller on are not allowed per regulation.
- Outdrives are allowed to be beyond the 32-foot length, but they may not provide flotation or a planing surface. Traditionally jet outdrives were bolted directly to the stem. There are vessels now with an additional box built off the transom that the jet is mounted to. These boxes at times add flotation and planing surface. Additionally, there are vessels with hulls that are extended up to five feet long and three feet wide below their jet outdrives. This extension, unless part of the trim tab up to 18 inches, may not extend beyond 32-foot overall length.
- Outdrive guards have been built up with large diameter sealed aluminum tubing that traps air which provides flotation when submerged. Further, these have been made to extend the hull's planing surface and some have had aluminum decks added to them to provide a platform or

bench. If the vessel has an outdrive guard below the jet unit, it may not provide flotation or a planing surface, and must be of skeletal construction. The "trim tab" can be included below the jet unit but may not be more than 18 inches long beyond the transom.

- Trim tabs have been modified and many now are an extension of the hull, at times creating voids that provide flotation. Trim tabs have been seen that extend more than the allowable 18-inches beyond the transom.
- There are numerous other items that have been added to transoms or bows that are not allowed to be beyond the 32 feet in overall length measurement. Only the items mentioned in the regulation and defined are not included in the overall length measurement and may be beyond the 32-foot measurement.

WHAT SOLUTION DO YOU PREFER?

We suggest that the current regulation found in 5AAC 06.341 which describes the overall vessel length and the specifics of what is allowed/not allowed be bifurcated into two separate sections. A new section titled 5AAC 06.340 would be created which would contain the overall vessel length limit of 32 feet, the second (5AAC 06.341) would contain the allowed devices that could extend beyond the 32-foot overall length.

We have outlined the guiding principles below that were used to formulate the draft regulation addressing the 32-foot vessel limit regulation. We put exceptions to items outside of 32-foot in two categories "flotation & planing surface" and "gingerbread" (non-competitive items placed aft of transom). Flotation and planing surface must remain consistent with current regulation as these items distinguish major competitiveness between vessels.

- 1) Do not make a currently legal vessel out of compliance.
- 2) Make the regulation easy to understand and enforce.
- 3) Keep all flotation within the 32-foot dimension.
- 4) Keep all planing surfaces within the 32-Foot plus 18" dimension.
- 5) Recognize anchors are larger now than when the 8"x8"x8" provision was originally established.
- 6) Provide an area aft of transom for "gingerbread items" and try not to identify allowable items as it is difficult to identify and enforce.
- 7) Recognize outdrive guard and fish dropout basket may be incorporated into one structure.

5 AAC 06.340 [S AAC 06.341] Vessel specifications and operations

(New section)

(a) No vessel registered for salmon net fishing may be more than 32 feet in overall length.

(b) For the purposes of this section,

(1) "Overall length" _ means the straight-line measurement between the extremities of the vessel, any portion that extends beyond the 32-foot overall length is defined in section 5 AAC 06.341;

5 AAC 06.341 Vessel specifications and operations

(New language replaces currant regulation in 5 AAC 06.341)

(a) Overall Length as defined in 5 AAC 06.340 does not include anchor, anchor rollers, fish drop-out baskets, gillnet rollers, trim tabs, other attachments and devices mounted aft of transom defined in section (b)(5), cooling systems, outdrives and outdrive guards;

(b) For the purposes of this section,

(1) "Anchor roller" _ means a device used solely in aid of deploying and retrieving anchor gear, and does not provide any additional floatation, planing surface, seakeeping ability, deck space, winch or structural support to the vessel. An Anchor may extend beyond the 32-foot overall length in its retracted at rest position;

[Editor's note: The Oxford Dictionary defines "Seakeeping" as, "The ability of a vessel to withstand rough conditions at sea"]

(2) "Fish drop-out basket" _ means a device used to prevent the loss of fish from a gillnet after the fish leaves the water and before it is brought on board the vessel. Any portion of a fish drop-out basket that is aft of provisions in (b)(5) of this section is of skeletal and non-metallic web construction. A fish drop-out basket does not provide any additional floatation, planing surface, storage area, structural support to a gillnet roller or the vessel;

(3) "gillnet roller" _ means a device used in aid of deploying and retrieving drift net gear; A gillnet roller mount on the bow of a vessel may not extend forward of the 32-foot overall length and stern gillnet roller attachment mount may not extend aft of (18) inches from the 32-foot overall length. Gillnet roller or attachment mount may not provide deck space or storage area beyond the 32-foot overall length. A gillnet roller does not provide any additional floatation or planing surface to the vessel;

(4) "trim tabs" _ means an extension of the bottom of a vessel, at the transom, which is no more than eighteen (18) inches aft of the 32-foot overall length. Jet reversing water flow ducting (scoop) is part of the trim tab and is no more than eighteen (18) inches aft of the 32-foot overall length. "Trim tabs" do not provide any increased floatation, and their function is to provide trim to a vessel while underway;

(5) "all other attachments and devices" _ means attachments and devices mounted aft of the transom not to exceed eighteen (18) inches aft of the 32-foot overall length and may be on, above or below the trim tabs. These attachments and devices do not provide any storage area, additional floatation or planing surface to the vessel;

(6) "Coolant Systems" _ means tubing or transom coolers used for refrigerated sea water systems or engines, · above or below the trim tab and does not extend beyond 18 inches aft of the 32- foot overall length.

(7) *"outdrive" _ means part of the propulsion system of a vessel used for either steering or thrust; an outdrive does not provide any additional floatation or planing surface to the vessel;*

(8) *"outdrive guard" _ means a device of skeletal construction used to protect the outdrive unit of a vessel. A fish drop-out basket of non-metallic web construction may be incorporated in the outdrive guard. Platforms may be incorporated within the area addressed in (b)(5) of this section. Platforms and benches are not permitted aft of the area addressed in (b)(5). An outdrive guard does not provide any additional floatation or planing surface and is not used for a storage area;*

STATE IN DETAIL HOW THIS ACR MEETS THE CRITERIA STATED BELOW.

a) for a fishery conservation purpose or reason

b) to correct an error in regulation

c) to correct an effect on a fishery that was unforeseen when a regulation was adopted

The current regulation was adopted in 1991, when many aspects of today's harvesting requirements were unforeseen. Over the last 32 years, the Bristol Bay drift fishery has seen significant changes in the fish handling requirements due to changing quality requirements and salmon markets. Today, all fish must be chilled (RSW or slush ice), floated, and handled much differently than in 1991. The equipment and rigging that drift boats require today to sell their product was unimaginable in 1991.

WHAT WILL HAPPEN IF THIS PROBLEM IS NOT SOLVED PRIOR TO THE REGULAR CYCLE?

The Alaska State Troopers will continue to consume valuable and limited resources of theirs (and vessel owners) citing vessel owners for items added to vessels that are non-competitive in nature but essential to meet demands of the 21st century salmon market.

STATE WHY YOUR ACR IS NOT PREDOMINANTLY ALLOCATIVE.

The guiding principles that were used (see response to #3) to formulate the draft regulation addressing the 32-foot vessel limit were put into two categories "flotation & planing surface" and "gingerbread" (non-competitive items placed aft of transom). Flotation and planing surface must remain consistent with current regulation as these items distinguish major competitiveness between vessels thus rendering this ACR non-allocative.

STATE YOUR INVOLVEMENT IN THE FISHERY THAT IS THE SUBJECT OF THIS ACR.

IF THIS REQUEST IS ALLOCATIVE, STATE THE NEW INFORMATION THAT COMPELS THE BOARD TO CONSIDER AN ALLOCATIVE PROPOSAL OUTSIDE OF THE REGULAR CYCLE.

STATE WHETHER THIS ACR HAS BEEN CONSIDERED BEFORE, EITHER AS A PROPOSAL OR AS AN ACR, AND IF SO, DURING WHICH BOARD OF FISHERIES MEETING.

Western Alaska Community Development Quota (CDQ) Organization for Bristol Bay.

SUBMITTED BY: Regional Fisheries Development Committee for BBEDC