

PROPOSAL 41

5 AAC 06.331. Gillnet specifications and operations.

Adjust seaward boundary for set gillnet gear near in the Nushagak District, as follows:

1. To address the cumulative erosion loss, add 100 feet to the outer limit for setnet sites on Ekuk Beach as follows:

(2) from the cannery dock at Clark's Point to First Creek at 58° 47.15' N. lat., 158° 30.57' W. long., 600 feet from the 18-foot tide mark under normal weather conditions, except that from 58° 50.10' N. lat., 158° 33.52' W. long. to 58° 49.29' N. lat., 158° 33.10' W. long., 750 feet from the mean high tide mark, whichever location is closer to the mean high tide mark;

(3) from First Creek at 58° 47.15' N. lat., 158° 30.57' W. long. to Third Creek at 58° 46.81' N. lat., 158° 28.10' W. long., 800 feet from the mean high tide mark;

(4) from Third Creek at 58° 46.81' N. lat., 158° 28.10' W. long. to Etolin Point at 58° 39.37' N. lat., 158° 19.31' W. long., 1,100 feet from the mean high tide mark.

2. To solve the problem of uncertainty and variability of outer boundaries, eliminate the minus 3-foot tide line as an outer boundary. Instead, establish the outer boundaries by surveying the mean high-water mark from downstream of the Range Marker on Ekuk Beach, based on NOAA tidal benchmarks as of August, 2022. The survey will provide a plot line based on way points which represent the outer limits defined in this proposal. This would allow both setnet fishermen and enforcement to identify a consistent outer boundary. It would also allow drift vessels to easily identify the outer limits of setnet sites to avoid entanglement with setnets, anchor equipment, and marker buoys.

The outer boundary survey would be conducted by a professional land surveyor, registered in the State of Alaska, using established benchmarks. The survey will be based upon the NOAA tidal benchmark at Clarks Point, designation 946 5621 B, set 1.399 meters above mean high water.

What is the issue you would like the board to address and why? Ekuk Beach is experiencing uncertain boundaries for setnet sites for two reasons: 1) Western Alaska is known to have significant beach erosion, which is affecting historic setnet sites on Ekuk Beach, and 2) the current regulations defining the outer limit of setnet sites create unpredictable boundaries.

Ekuk Beach is experiencing significant erosion. Portions of Ekuk Beach were surveyed in 1983 and then again in 2021 and there has been a loss of 146 feet or more in many places since 1983. The erosion is accruing from downstream from the Range Marker on Ekuk Beach. This erosion may cause historic/traditional setnet sites to be outside the boundaries defined in current regulations. Those regulations set boundaries for setnet sites based on distance limits measured from the mean high tide line, to a maximum outer limit of the minus 3-foot tide line. So as erosion moves the tidal lines, the boundaries for set net sites are being altered.

The current system of setting setnet boundaries, using the mean high tide line and minus 3-foot tide line as outer limits, introduces unnecessary uncertainty and variability. The mean high tide line can change significantly with every wind storm. The wind greatly affects the gravel berm that usually accumulates at the high tide line, which can build or be depleted depending on the direction

and strength of the wind, affecting where the mean high tide line is seasonally, and even daily. So, it is possible, depending on weather, that a setnet site could fish within regulation one tide, but outside limits on the next, as wind and storms affect the mean high tide line.

The variability of tidal lines makes it very difficult to identify the outer limit of a setnet site under the current regulations. A minus 3-foot tide is affect by weather and ocean conditions. So, a minus 3-foot tide line on one day can be different the next day. This proposal would eliminate this variability by setting a consistent outer limit.

This proposal is not allocative, it addresses these two problems which imperil the current setnet fleet on Ekuk Beach. Addressing erosion and the uncertainty of the current tidal boundaries in regulation will maintain these traditional setnet locations, which have been consistently fished in these locations for decades. Disregarding the effects of erosion and variability of tidal boundaries could disrupt harvest on these historic setnet sites. Applying the tidal boundaries currently in regulation, and/or the effects of erosion, could require relocation of the outer anchoring devices of some setnet sites, which is a major endeavor, is not commonly attempted, and is often not possible during a season. Changing these outer anchoring devicers is very difficult, dependent on tidal and weather conditions, and expensive. Many times, these outer anchoring devices can take years to change and are location dependent (many areas have very large rocks, clay and outer anchoring devices' stability are variable depending on conditions). Most outer anchoring devices are weak in their first year after being put in, as the substrate has been heavily disturbed, so an entire season could be lost if the outer anchoring device cannot be relocated. If an outer anchoring device were found out of compliance due to erosion or variable measurements of tidal lines and could not be moved due to tide or other conditions, that site would be eliminated from harvest, or have greatly reduced capacity. The cumulative result would be reduced capacity of the setnet fleet on Ekuk Beach.

Reducing the capacity on Ekuk Beach would immediately harm the fishermen whose sites were made less efficient and insecure due to disruption of their anchoring devices. It would also have a broader impact by reducing overall fishing efficiency of the Ekuk Beach setnet fleet. This disruption would further hinder overall catch efforts by the setnet fleet in the Nushagak, causing a deviation from district goals for optimal harvest, as well as further skewing the allocation by forcing the setnet fleet to fall further behind in allocation, which could ultimately restrict the drift fleet at a higher level..

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