

Findings of the Alaska Board of Fisheries  
Regarding the 48-Hour Waiting Period in  
Bristol Bay Commercial Salmon Fisheries

A. In January 1986, the Alaska Board of Fisheries amended 5 AAC 06.370 to reimpose the 48-hour waiting period in Bristol Bay commercial salmon fisheries. The regulation as amended requires that fishermen must register with the Alaska Department of Fish and Game 48-hours before each transfer to a Bristol Bay district, and that fishermen cease fishing during that 48-hour period. Before adopting the amendment, the board received extensive public comment, both written and oral.

B. In March 1986, the board further amended 5 AAC 06.370, following the recommendations of the Alaska Department of Law. The amendments were technical in nature, and were designed to make the 48-hour waiting period more enforceable. Because the legal notice for the March meeting left open the possibility that the 48-hour waiting period could be repealed, there was public testimony and presentations by the Nushagak, Lower Bristol Bay, Naknek-Kvichak, and Lake Illiamna advisory committees reiterating support of the reinstating of the 48-hour transfer requirement with no fishing.

C. Between the January and March board meeting, a lawsuit was filed challenging the 48-hour waiting period. Meier v. State, 1JU-86-415 civil. It may, the board believes, be desirable to articulate the conservation and development purposes served by the 48-hour waiting period.

D. Based upon the information presented to the board before it amended 5 AAC 06.370 in January and again before it further amended 5 AAC 06.370 in March, the board finds:

1. There are two commercial salmon fisheries in Bristol Bay, the set net and the drift gillnet fisheries. Participants in these fisheries must register for whichever Bristol Bay district they fish, and must reregister before transferring to a new district. For at least 24 years before 1985, fishermen had to cease fishing for a period of 48-hours after reregistering and before transferring to the new district. For the 1985 season, the 48-hour period was repealed and a 24-hour notice adopted. Fishermen were allowed to continue fishing before transferring.

2. The 48-hour had an impact on fishing patterns, although it was not easy to enforce as written at that time. Before 1985, the set net fishery harvest annually had an average of 12 percent of the commercial salmon

harvest of Bristol Bay. When the 48-hour waiting period was repealed, the set net harvest dropped to 9 percent. Of concern was the 6 percent set net harvest in the Egegik District, and the drop to 3 percent in the Ugashik District which experienced an historic high return in 1985. Reallocation of salmon from the set net fishery to the drift gillnet fishery was becoming evident.

3. Because of the historic high return, the Ugashik District was fished during the peak harvest period by more than 600 drift gillnetters, when normally that District has been fished by approximately 200 drift gillnetters.

4. Reimposing and improving the enforceability of the 48-hour waiting period will assist in maintaining the historic harvest percentages between the set net and drift gillnet fisheries. The drift gillnet fishery in Bristol Bay is composed of mobile vessels with highly refined fishing skills and efficient gear. The set net fishery, although skilled, is less mobile because of limited set net sites and is hampered by fishing time because of tides.

5. Public testimony and ADF&G staff reports did indicate that among the drift gillnet fleet itself there seemed to be more success by one component than another. While this was a concern of some board members, it was not as important to the board as a whole, as was the reallocation stated above.

6. Reimposing and improving the enforceability of the 48-hour waiting period will assist in slowing down the movement of the more mobile component of the drift gillnet fishery which will spread out the harvest more evenly among all participants promoting a more orderly fishery and enhancing economic stability as a whole.

7. Additionally, reimposing and improving the enforceability of the 48-hour waiting period will have some conservation benefits in that it will prevent an unpredictable influx of fishing gear into a district experiencing a marginal run of salmon. Several Bristol Bay districts open during large portions of the season by emergency order issued by ADF&G rather than a schedule set out in regulations. One factor considered by the department before opening a district is the amount of effort and gear. Although normally a 100 percent exploitation rate is expected when a Bristol Bay district is open, in some more unusual situations (minimal stock run), the department could determine that one gear type could fish without jeopardizing escapement goals, but allowing both types could jeopardize conservation. 5 AAC 06.320(f) gives the

department authority to allow only one type to operate. Similarly, it set and drift gillnet present at a particular time could be allowed to fish without jeopardizing the escapement, the 48-hour waiting period will prevent a sudden influx of effort and gear which could raise the total amount of gear to a level to jeopardize a stock.

  
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Ron Jolin, Chairman  
Alaska Board of Fisheries

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