



## Title: Shore Fishery Leasing

As manager of state-owned tide and submerged lands, the Department of Natural Resources issues shore fishery (set net) leases. A shore fishery lease gives the leaseholder first priority to use a shore fishery site for commercial salmon set net fishing. This "first priority" applies only when the leaseholder is personally fishing the site.

### **Is a shore fishery lease required for set net fishing?**

No, a shore fishery lease is not required for set net fishing. However, many individuals choose to obtain a shore fishery lease, because it guarantees they will be able to fish in the same location each year. Individuals with a valid shore fishery lease may exclude others from set net fishing in their leased site when they are physically present and fishing the site.

**Who may apply for a shore fishery lease?** Any citizen of the United States who is at least 18 years of age may apply for a shore fishery lease. Additionally, the applicant must have a valid limited entry permit or an interim-use salmon set net permit. A lease for a minor who is at least 10 years of age may be issued to a legal trustee until the child reaches age 18, at which time the lease automatically transfers to the child's name.

**When may I apply for a shore fishery lease?** You may apply for a shore fishery lease between June 1 and October 15 each year.

**How do I apply for a shore fishery lease?** First, decide where you want to locate your set nets. Then ensure the area is open to commercial set net fishing. Generally, if the tidelands are not already leased to another setnetter, you may stake your lease area. After that, you have 30 days to file your application with the Department of Natural Resources at the address shown on the back of this fact sheet. You must also turn in a sketch map with your application and meet the other requirements outlined in 11 AAC 64.260. Later, you must prepare and file a shore fishery diagram.

### **What fees are associated with a shore fishery lease?**

A non-refundable filing fee of \$100 is required with each application. Additionally, there is a \$150 diagram review fee and a \$300 annual rental fee. The first year's rent must be paid before the lease is issued. Applicants must also pay the cost of publishing a public notice in the local newspaper, as well as any costs associated with preparing the shore fishery diagram.

**Do I have to stake my site?** Yes, unless this activity results in trespass on private property. Each site should be staked on the shore at or above the mean high tide line before submitting an application. The stake must carry a sign with your name, mailing address, limited entry permit number, and date of staking. An application must then be filed within 30 days of staking the site.

**Does staking give me exclusive use of a site?** No. Staking is part of the application process for a shore fishery lease. It notifies others you have applied to lease the site. You do not have first priority to fish the site until your lease is issued.

**What areas are open to set net leasing?** Only certain areas in Southcentral Alaska are open. They are located in the Alaska Peninsula area, Bristol Bay, Kodiak Island waters, Cook Inlet, and the Eshamy Bay District in Prince William Sound. These areas are defined in the Board of Fisheries Commercial Finfish Regulations.

**May I locate my site anywhere I wish within the open areas?** No. You must contact the Department of Fish & Game to find out what tide and submerged lands are open to set net fishing on a permanent basis. Set net leases will not be issued in areas that are only opened on a temporary or irregular basis.

**Does the state have a list of set net sites available for leasing?** No. You must locate your own site within the open areas. Status plats are available through the DNR Public Information Center at the address shown on the back of this sheet, or you may access them on line at <http://www.plats.landrecords.info/>.

**How long is a shore fishery lease valid?** A lease is issued for up to 10 years. The leaseholder may apply for a renewal at the end of the lease term.

**How many set net sites may I lease?** The number varies depending on the commercial finfish regulations for the area. For example, three nets are allowed in Cook Inlet while only two nets are allowed in Bristol Bay.  
**Do I have to apply separately for each set net site?** No. Sites within a reasonable distance (approximately two miles) from each other may be included in one application.

**May I use my shore fishery lease area for purposes other than salmon fishing?** No. A shore fishery lease is issued only for the purpose of commercial salmon set net fishing.

**What is a shore fishery diagram?** It is a detailed map that shows the exact location of your site as well as its relationship to neighboring sites. It is more detailed than the sketch map included with your application.

**Who is responsible for preparing the shore fishery diagram?** You are. However, most people hire a surveyor or draftsman to complete the drawing. After the Division of Mining, Land and Water approves your lease application, you will receive a packet with detailed instructions for preparing a diagram. You must submit two copies of the preliminary diagram within 90 days of receiving the packet. [Get diagram instructions.](#)

**Do I have to survey my set net site?** Although it is generally not required, doing an as-fished survey of your site(s) is recommended. Under unusual circumstances, such as where shoreline erosion or accretion causes problems in locating sites, or conflicts appear to exist with neighboring sites, you may be required to survey your site.

**May I construct improvements within my shore fishery lease area?** No, you may not construct improvements such as a cabin or storage building within your lease area. The lease is for tide and submerged lands. Your lease does not give you any rights to the adjacent uplands.

**Must I physically fish the leased site myself?** Yes. You must **personally** fish each leased site as depicted on your diagram at least every other year, for at least four legal fishing periods during the commercial fishing season. Failure to do so is grounds for lease termination.

**May I move my nets within my lease area?** Yes, but only under certain circumstances. The nets must remain within the lease area, and can be no closer to the boundaries of the lease area than one half the minimum distance allowed between nets as stipulated by the Alaska Department of Fish & Game. Most leases are issued using these minimum distances and movement within the lease is not possible. If movement within your lease boundary is possible, and you do move your nets, keep in mind you are not fishing the lease as it was issued.

**May I change the location of my lease site after the lease has been issued?** Yes. This is referred to as an amendment. You may apply for amendments between June 1 and October 15 of any year. Most amendment applications require the same fees and steps as a new lease application.

**May I sublease my set net site?** No. Subleasing is not allowed under the terms of shore fishery leases.

**May I assign my shore fishery lease to another person?** Yes, you may assign your lease (transfer all your lease rights) to a person who is qualified to apply for a lease, if the lease is in good standing. The assignment cannot take effect until the Director of the Division of Mining, Land and Water approves it. Qualifications and procedures for an assignment are described in shore fishery regulations 11 AAC 64.430.

**If my family and I have been fishing the same section of beach for several generations, do we have "grandfather" rights to fish this beach and exclude all others?** No. No one is given exclusive rights to a set net site because of previous use. The length of time a person has fished a certain site is important only when more than one person applies to lease the same site. It is one of the major factors considered when deciding who is most qualified to lease the site.

**If I acquire an unleased site from a family member or another setnetter who has fished it for several years, can I claim this time when I apply to lease the site?** No, you must have personally fished a site in order to have the time apply.

**What precautions should I take before buying a set net site?** Be advised that shore fishery setnetters do not own the tide and submerged lands leased to them. Before acquiring a site from an individual, it is a good idea to determine if the individual holds a shore fishery lease with the state. If so, you should contact the Shore Fishery Unit to determine if the lease is in good standing and if any problems are associated with it. Regardless of any private transactions between individuals, the lease remains in the original owner's name until assignment papers have been approved by the Division of Mining, Land and Water.

**For information about shore fishery leases, contact:**

Department of Natural Resources  
Division of Mining, Land and Water  
Southcentral Region-Shore Fishery Leasing Unit  
550 W. 7<sup>th</sup> Avenue, Suite 900C  
Anchorage AK 99501-3577  
Phone: (907) 269-8503  
<http://www.dnr.alaska.gov/mlw/shore/index.htm>

Department of Natural Resources  
Public Information Center  
550 W. 7<sup>th</sup> Avenue, Suite 1260  
Anchorage AK 99501-3557  
Phone: (907) 269-8400  
<http://www.dnr.alaska.gov>

**For information about commercial fishing, please contact the following agencies:**

Alaska Department of Fish & Game  
PO Box 25526  
Juneau AK 99802  
Phone: (907) 465-4100  
<http://www.adfg.alaska.gov>

Commercial Fisheries Entry Commission  
8800 Glacier Hwy, #109  
Juneau, AK 99801  
Phone: (907) 789-6160  
<http://www.cfec.state.ak.us/>