

KING AND TANNER CRAB PROPOSALS

PROPOSAL 89 - 5 AAC 35.510(b). Fishing seasons for Registration Area J. Establish weather delay criteria for opening the Chignik District Tanner crab fishery as follows:

The opening of the state waters season will be delayed for 24 hours if the National Weather Service marine forecast issued at 4:00 a.m. on the scheduled opening date.

ISSUE: Bad weather on Tanner crab openings.

WHAT WILL HAPPEN IF NOTHING IS DONE? Unfair advantage of larger vessels and unwanted danger to crew and vessels.

WILL THE QUALITY OF THE RESOURCE HARVESTED OR PRODUCTS PRODUCED BE IMPROVED? N/A.

WHO IS LIKELY TO BENEFIT? Smaller vessels and crews.

WHO IS LIKELY TO SUFFER? No one.

OTHER SOLUTIONS CONSIDERED? N/A.

PROPOSED BY: Don Bumpus (HQ-10F-013)

FINAL ACTION: Carries Fails Tabled No Action See Prop. # _____

ABSENT _____ ABSTAIN _____

DATE _____ TIME _____ TAPE# _____

PROPOSAL 299 - 5 AAC 34.610. Fishing seasons for Registration Area O. In the Aleutian Islands golden king crab fishery, allow fishery to extend beyond May 15 if total allowable catch is not achieved as follows:

Amend 5 AAC 34.610(b) as follows: "Male golden king crab may be taken only from 12:00 noon August 15 through 11:59 p.m. May 15 [.] except that the commissioner may extend the season by emergency order."

ISSUE: The golden king crab fishery in the Aleutian Islands Area (Area O) is slow-paced. In recent years, problems with processing capacity on Adak and uncertainty regarding where crab could be delivered have resulted in significant portions of the GHL going unharvested. The Department should be given the authority to extend the season beyond the May 15 closure by emergency order, so that the GHL can be harvested.

WHAT WILL HAPPEN IF NOTHING IS DONE? Vessels participating in the Area O golden king crab fishery will continue to experience problems in some seasons harvesting all of the GHL. Not only will the vessels lose revenue as a result, but so will processors and those entities (communities, the State of Alaska, NMFS) who would otherwise receive revenues through taxes and fees.

WILL THE QUALITY OF THE RESOURCE HARVESTED OR PRODUCTS PRODUCED BE IMPROVED? The proposal will promote full utilization of the golden king crab resource by allowing the entire GHL to be harvested.

WHO IS LIKELY TO BENEFIT? Vessels participating in the Area O golden king crab fishery; processors who purchase golden king crab; and communities, the State of Alaska, and NMFS, which receive revenue from the fishery through taxes and fees.

WHO IS LIKELY TO SUFFER? No one.

OTHER SOLUTIONS CONSIDERED? None.

PROPOSED BY: Golden King Crab Harvesters Association (HQ-10F-063)

FINAL ACTION: Carries Fails Tabled No Action See Prop. # _____

ABSENT _____ ABSTAIN _____

DATE _____ TIME _____ TAPE# _____

PROPOSAL 300 - 5 AAC 34.625. Lawful gear for Registration Area O. In the Aleutian Islands golden king crab fishery, increase the biodegradable twine requirement to 90 thread as follows:

Add a new subsection (3) as follows: "Notwithstanding 5 ACC 39.145, may use a single length of untreated, 100 % cotton twine no larger than 90 thread to secure the opening of the escape mechanism.

ISSUE: The current thread count limit for shellfish pots (specified in 5 ACC 39.145) is too small for pots used in the Aleutians Islands Area (Area O) golden king crab fishery. These pots are fished by longlines in deep water, where currents are very strong. Pots routinely blow open before they are lifted, which results in a loss of harvest.

WHAT WILL HAPPEN IF NOTHING IS DONE? Vessels participating in the Area O golden king crab fishery will continue to find pots blown open when they are lifted, causing the vessels to spend more time that necessary harvesting the GHL. This increases costs of operation and is inefficient.

WILL THE QUALITY OF THE RESOURCE HARVESTED OR PRODUCTS PRODUCED BE IMPROVED? This change will promote a faster harvest, as it will take less time to catch a load of crab in the fishery, which means the crab can be delivered sooner after harvest and in better condition.

WHO IS LIKELY TO BENEFIT? Vessels participating the Area O golden king crab fishery.

WHO IS LIKELY TO SUFFER? No one.

OTHER SOLUTIONS CONSIDERED? Vessels in the fishery have experimented with other twine counts, but believe that 90 thread is the best option.

PROPOSED BY: Golden King Crab Harvesters Association (HQ-10F-064)

FINAL ACTION: Carries Fails Tabled No Action See Prop. # _____

ABSENT _____ ABSTAIN _____

DATE _____ TIME _____ TAPE# _____

PROPOSAL 301 - 5 AAC 35.506. Area J Registration. Change boundary in the Bering Sea District Tanner crab fishery as follows:

(i) In the Bering Sea District a vessel operator may harvest *C. bairdi* Tanner crab as follows:

(3) In a directed *C. bairdi* Tanner crab fishery between 159° W. long. and 166° W. long.

ISSUE: Section (i)(3) in a directed *C. bairdi* Tanner crab fishery occurring between 163° W. long. and 166° W. long. Would like to change the eastern line to 159° W. long.

The problem is the eastern boundary of the Eastern District of the Bering Sea Tanner crab fishery that pertains to *C. bairdi* Tanner crab. Current regulations (post crab rationalization) do not allow Tanner crab to be taken east of 163° W. longitude. Pre-crab rationalization regulations allowed Tanner to be taken in all of the Bristol Bay Area. We would be happy to have it at 159° W. long. Because of our history of fishing *C. bairdi* in the Bering Sea we know the grounds. With the current regulations we are forced to fish between 163° W. long. and 166° W. long., a very small area. And due to marketing requirements (condition of crab) our time to fish these *C. bairdi* coincides with the pollock-cod trawl fisheries in the Bering Sea. January-March the trawl fleet concentrates on the same grounds as the eastern *C. bairdi* Tanner fleet (very small at this time). The trawl fleet cannot fish east of 162° W. long. due to their own regulations. From what I could see, having fished this area personally (163° W. long. to 166° W. long.), they rarely go east of 163° W. long. (meaning the trawlers). There are also more reasons to consider the change.

1) Better, cleaner, larger crab east of 163° W. long. Current area has approximately 50% clean shell crab (and that would be pushing it). Area North of Unimak Island known as “Slime Banks” has a lot of old, dirty shelled crab.

2) More harvesting area may be able to provide more crab and prevent over fishing of a smaller area. We are not talking about a huge fleet of boats. Possibly 15 to 20 vessels at most; depends on TAC.

3) Minimize gear conflicts and gear loss due to trawling. Processing ships and factory trawlers don't even have lights on them so they can effectively avoid your fixed gear at night. If a crab boat has to go to deliver or sell his crab he cannot afford to move his pots every time he leaves the fishing grounds. It's bad enough right now to leave your gear out and run to get out of bad weather. You are at the mercy of the trawl fleet. You have to stay on your gear to make sure you don't lose it. It is a huge problem that could be mostly alleviated by moving the eastern line east to 159° W. long. Please consider changing this regulation as soon as possible.

WHAT WILL HAPPEN IF NOTHING IS DONE? Overfishing of one area, gear conflicts and gear loss with the Bering Sea trawl fleet. Tanner crab populations fluctuate rapidly and need to be harvested before crabs die of old age.

WILL THE QUALITY OF THE RESOURCE HARVESTED OR PRODUCTS PRODUCED BE IMPROVED? Yes, traditionally the *C. bairdi* Tanner crab north of Port

Moellor, AK Peninsula are said to be the finest quality in the world. We have also seen an increase in catch from 2008-09 vs. 2009-10. More crab available.

WHO IS LIKELY TO BENEFIT? Bering Sea crabbers and trawlers as well as the whole industry and the State of Alaska. The change will actually just give us back our traditional grounds that we have fished historically.

WHO IS LIKELY TO SUFFER? No one.

OTHER SOLUTIONS CONSIDERED?

PROPOSED BY: Rick Turvey, Independent Crabbers Cooperative (HQ-10F-143)

FINAL ACTION: Carries Fails Tabled No Action See Prop. # _____

ABSENT _____ ABSTAIN _____

DATE _____ TIME _____ TAPE# _____

PROPOSAL 302 - 5 AAC 39.143. Onboard Observer Certification and Decertification.
Amend onboard observer standards as follows:

(f) The department shall certify as a crab or scallop onboard observer a trainee who

(2) has satisfactorily completed all [OBSERVER TRAINEE TRIP] assigned **trainee** tasks specified **by the department** in writing, **or assigned verbally in person, or during radio, telephone, or other electronic communication transmission while the observer is deployed on a vessel** [BY THE DEPARTMENT];

(j) An onboard observer certification may be revoked for any one of the following reasons:

(1) [SIGNIFICANT OR CONSISTENT] failure to satisfactorily complete [OBSERVER TRIP] **all** assigned tasks specified **by the department** in writing, **or assigned verbally during radio, telephone, or other electronic communication transmission while the observer is deployed on a vessel** [BY THE DEPARTMENT];

(2) [IMPAIRMENT OF THE OBSERVER'S ABILITY TO COMPLETE ASSIGNED TASKS DUE TO] use of alcohol or a controlled substance **on board the assigned vessel, use of alcohol or controlled substance while attending a briefing, midtrip appointment, or debriefing with the department, or absent from a meeting with the department due to use of alcohol or a controlled substance;**

(3) engaging in violent or criminal behavior; **including behavior** that could endanger a person or property on the assigned vessel or that prevents the observer from performing tasks according to the standards of the onboard observer manual.

(6) engaging in [EMOTIONAL OR] sexual relations with a person onboard he assigned vessel [IN A MANNER THAT INTERFERES WITH THE OBSERVER'S ABILITY TO PERFORM ACCORDING TO THE STANDARDS OF THE ONBOARD OBSERVER MANUAL];

(8) exhibiting poor judgment or unprofessional behavior that [SIGNIFICANTLY] interferes with the observer's ability to perform assigned tasks or results in a breach of confidentiality, lack of observer coverage, or other actions detrimental to the observer program;

(k) A certified onboard observer may be demoted to trainee status for failure to satisfactorily perform assigned tasks specified **by the department** [IN WRITING BY THE DEPARTMENT, IF THE FAILURE OCCURS AFTER THE DEPARTMENT HAS NOTIFIED THE OBSERVER IN WRITING THAT THE OBSERVER'S PERFORMANCE OF THE ASSIGNED TASKS HAS BEEN DEFICIENT].

ISSUE: Current regulation limits assigned observer tasks to those given in writing and excludes instruction that must be relayed verbally via radio or phone during an observer's deployment. The ability to follow verbal instructions is crucial when there are safety concerns or when the department requests information from observers at sea.

An observer engaging in violent or criminal behavior is not acceptable, even if data collection and vessel personnel or property are not at risk.

Observers that engage in sexual relations with personnel onboard a vessel are not comporting themselves as professionals in the best interest of the department to collect unbiased data.

An observer will not be certified if they exhibit poor judgment and unprofessional behavior that significantly interferes with their work. The department expects a certified observer to exhibit good judgment and professional behavior. An observer is certified only after the department deems the observer is able and willing to collect good data and when the department has determined that the observer is aware of the reasons that their certification permit may be revoked.

WHAT WILL HAPPEN IF NOTHING IS DONE? The department does not have the authority to revoke an observer’s certification if an observer does not follow instruction given verbally. There is no recourse for the department to revoke an observer’s certification when an observer is using alcohol or controlled substances during their deployment from the beginning of briefing through to the end debriefing, is sexually involved with vessel personnel, or engages in violent or criminal behavior if the department cannot prove that it interfered with their ability to complete assigned tasks.

When an observer exhibits poor judgment or unprofessional behavior, in order for the department to revoke a certification according to current regulation, the department must first prove that the level of significance warrants decertification.

WILL THE QUALITY OF THE RESOURCE HARVESTED OR PRODUCTS PRODUCED BE IMPROVED? Crab observer data collection and quality may be improved. Observer data are used to manage BSAI crab fisheries.

WHO IS LIKELY TO BENEFIT? Crab fishery resources, fishing industry, and the department.

WHO IS LIKELY TO SUFFER? Unknown.

OTHER SOLUTIONS CONSIDERED? Email is used to communicate with observers, but it is not available on all vessels.

PROPOSED BY: Alaska Department of Fish and Game (HQ-10F-152)

FINAL ACTION: Carries Fails Tabled No Action See Prop. # _____

ABSENT _____ ABSTAIN _____

DATE _____ TIME _____ TAPE# _____

PROPOSAL 303 - 5 AAC 39.645. Shellfish Onboard Observer Program. Amend onboard observer standards as follows:

(l) When a vessel is required to carry an onboard observer, the vessel owner, vessel owner's agent, [OR] vessel operator, or vessel crew may not:

(4) harass an observer by conduct that has sexual connotations, [AND HAS THE PURPOSE OR EFFECT OF INTERFERING WITH THE OBSERVER'S WORK PERFORMANCE,] or by conduct that [OTHERWISE] creates an intimidating, hostile, or offensive environment, for the purpose of this section, "harass" means words, conduct, or action that, being directed at the observer, annoys, alarms, or causes emotional distress in the observer.

ISSUE: Harassment issues may also include vessel crew. The proposed harassment wording is more concisely stated.

WHAT WILL HAPPEN IF NOTHING IS DONE? Current regulation may be interpreted to exclude crew members from harassment of observers onboard a vessel.

WILL THE QUALITY OF THE RESOURCE HARVESTED OR PRODUCTS PRODUCED BE IMPROVED? Proposed regulation would help assure that observers are able to collect data without harassment, thus improving data quality.

WHO IS LIKELY TO BENEFIT? Resource, fishing industry, and the department.

WHO IS LIKELY TO SUFFER? Unknown.

OTHER SOLUTIONS CONSIDERED? None.

PROPOSED BY: Alaska Department of Fish and Game (HQ-10F-153)

FINAL ACTION: Carries Fails Tabled No Action See Prop. # _____

ABSENT _____ ABSTAIN _____

DATE _____ TIME _____ TAPE# _____

PROPOSAL 304 - 5 AAC 35.527(2). Tanner Crab Pot Storage Requirements for Registration Area J. Modify preseason pot storage criteria in the Eastern Aleutian District Tanner crab fishery as follows:

(2) Eastern Aleutian District, pots may be stored in waters of not more than 25 fathoms deep only from 30 days before the scheduled opening date of the commercial **Tanner** [RED AND BLUE KING] crab season through seven days after the closure of the commercial Tanner crab season, except that pots may not be stored in the waters of:...

ISSUE: Current regulation allows Tanner crab pots in the Eastern Aleutian District (EAD) to be stored in waters of not more than 25 fathoms deep from 30 days before the scheduled opening date of the red and blue king crab season through seven days after the closure of the Tanner crab season. This sequence of dates provides Tanner crab fishermen an opportunity to initiate in-water storage of Tanner crab pot gear as early as mid-October for a Tanner crab season beginning in mid-January. Given the relatively low pot limit for the EAD Tanner crab fishery and proximity of the fishing grounds to major ports, three months of preseason in-water gear storage time is not needed.

In addition to the long preseason in-water gear storage period, the concept of using the scheduled opening date of the king crab season as a reference point for the start of Tanner crab gear storage is archaic and has caused confusion for fishermen and enforcement personnel.

WHAT WILL HAPPEN IF NOTHING IS DONE? Tanner crab gear storage regulations in the EAD will remain confusing and will provide a lengthy in-water gear storage period.

WILL THE QUALITY OF THE RESOURCE HARVESTED OR PRODUCTS PRODUCED BE IMPROVED? No.

WHO IS LIKELY TO BENEFIT? Tanner crab fishermen in the EAD will benefit from clarified pot gear storage regulatory language.

WHO IS LIKELY TO SUFFER? Unknown.

OTHER SOLUTIONS CONSIDERED? None.

PROPOSED BY: Alaska Department of Fish and Game (HQ-10F-154)

FINAL ACTION: Carries Fails Tabled No Action See Prop. # _____

ABSENT _____ ABSTAIN _____

DATE _____ TIME _____ TAPE# _____

PROPOSAL 305 - 5 AAC 34.910. King Crab Fishing Season Area Q. Change fishing season for St. Matthew Island blue king crab fishery as follows:

(c) in the Saint Matthew Island Section,

(1) male blue king crab may be taken only from 12:00 noon **September 15 (or maybe September 1)** [OCTOBER 15] through 11:59 p.m. **February 1;** [JANUARY 15]

ISSUE: Fishery performance data indicate that St. Matthew blue king crab (SMBKC) may migrate offshore and become dispersed as the fall progresses. Current fisheries timing forces the fleet to fish on this dispersed population and experience low catch rates relative to other BSAI king crag fisheries. Low catch rates in 2009/10 made the total allowable catch (TAC) unattainable. The season is now later due to the federal review process and evaluation of survey data becoming available. So SMBKC will need to be moved to tier 5 so that TAC determined in year 1 can be harvested in year 2. Summer survey (without complete analysis) in year 2 could advise the department of any stock concerns regarding opening the fishery based on the previous year’s TAC.

WHAT WILL HAPPEN IF NOTHING IS DONE? SMBKC TAC may go un-harvested, resulting in a negative impact on harvesters, processors and communities (including CDQ) relying on Alaska king crab harvests.

WILL THE QUALITY OF THE RESOURCE HARVESTED OR PRODUCTS PRODUCED BE IMPROVED? Moving the SMBKC earlier into September might increase the value of this catch, since it will be the first fall king crab (not a direct competition with golden king crab) on the market.

WHO IS LIKELY TO BENEFIT? No one is likely to be negatively impacted by this date change, but Bering Sea king crab harvesters, processors and communities (including CDQ) will benefit.

WHO IS LIKELY TO SUFFER?

OTHER SOLUTIONS CONSIDERED? Status quo – lost TAC.

PROPOSED BY: Inter-Cooperative Exchange Policy Advocacy Committee (ICE PAC)

FINAL ACTION: Carries Fails Tabled No Action See Prop. # _____

ABSENT _____ ABSTAIN _____

DATE _____ TIME _____ TAPE# _____

PROPOSAL 306 - 5 AAC 39.145. Escape mechanism for shellfish and bottomfish pots.
Escape mechanism for king crab pots in Norton Sound as follows:

The requirement is 30 count all cotton thread or galvanic releases. So require galvanic releases only.

ISSUE: The Norton Sound winter king crab release mechanisms for crab pots releases. The 30 count cotton thread lasts for years, to there really is no release. I have 4 year old pots with the same thread on them. Some years the ice will go out and sometimes 100 pots are lost with no release. Many are destroyed but not all of the. I recovered one lost pot undamaged when the ice came back in after 5 miles of travel.

WHAT WILL HAPPEN IF NOTHING IS DONE? More and more phantom pots fishing crab for years.

WILL THE QUALITY OF THE RESOURCE HARVESTED OR PRODUCTS PRODUCED BE IMPROVED? Yes, release mechanism will work, crabs can escape.

WHO IS LIKELY TO BENEFIT? The crabs caught in phantom crab pots.

WHO IS LIKELY TO SUFFER? No one.

OTHER SOLUTIONS CONSIDERED?

PROPOSED BY: Kevin Bopp (HQ-09F-014)

FINAL ACTION: Carries Fails Tabled No Action See Prop. # _____

ABSENT _____ ABSTAIN _____

DATE _____ TIME _____ TAPE# _____

Note: This proposal was previously considered by the board during the 2009/2010 cycle. It was previously listed as #197. The proposal was tabled by the board during the March 2010 meeting and was rescheduled for consideration during the March 2011 meeting.

PROPOSAL 307 - 5 AAC 35.520. Size limits for Registration Area J; and 5 AAC 35.508. Bering Sea District *C. bairdi* Tanner crab harvest strategy. Reduce the minimum size limit for Bering Sea Tanner crab as follows:

5 AAC 35.520. Size limits for Registration Area J.

(a) Only male Tanner crab of the species *Chionoecetes opilio* **XX** [3.1] inches or greater in width of shell may be taken or possessed.

(b) In the Bering Sea District, Tanner crab size limits are as follows:

(1) male *C. bairdi* Tanner crab, or hybrid Tanner crab conforming to the identification criteria described at 5 AAC 35.521(a), must be **XX** [5 ½] inches or greater in width of shell;

(2) male *C. opilio* Tanner crab, or hybrid Tanner crab conforming to the identification criteria described at 5 AAC 35.521(b), must be **XX** [3.1] inches or greater in width of shell.

and

5 AAC 35.508. Bering Sea District *C. bairdi* Tanner crab harvest strategy.

(a) In the Bering Sea District, the commercial *C. bairdi* Tanner crab fishery may open only if an analysis of preseason survey data indicates that the population contains 21,000,000 pounds or more of mature female crab biomass in the Eastern Subdistrict.

(b) The department shall establish separate total allowable catch levels for that portion of the Bering Sea District east of 166° long., and that portion west of 166° long., based on the proportion of molting mature males east and west of 166° long.

(c) If the commercial *C. bairdi* Tanner crab fishery in the Eastern Subdistrict is open under (a) of this section, and the mature female crab biomass is

(1) at least 21,000,000 pounds, but less than 45,000,000 pounds, the total allowable catch will be no more than 10 percent of the molting mature male abundance or 50 percent of the exploitable legal size male abundance, whichever is less;

(2) 45,000,000 pounds or more, the total allowable catch will be no more than 20 percent of the molting mature male abundance or 50 percent of the exploitable legal size male abundance, whichever is less.

(d) Repealed 7/1/2006.

(e) If the commercial fishery in the Bering Sea District is not opened because it did not meet the threshold requirements specified in (a) of this section, the total allowable catch for each portion east and west of 166° long. is reduced by one-half as computed as specified in (c) of this section during the next season in which the requirements specified in (a) of this section are achieved.

(f) In implementing this harvest strategy, the board directs the department to consider the reliability of estimates of *C. bairdi* Tanner crab, the manageability of the fishery, and other factors the department determines necessary to be consistent with sustained yield principles, and to use the best scientific information available.

(g) For the purposes of this section,

(1) "exploitable legal size male abundance" means the estimated abundance of 100 percent of newshell and 32 percent of oldshell male *C. bairdi* Tanner crab that are more than 140 millimeters (five and one-half inches) in carapace width, including the spines;

(2) "mature female crab biomass" means the estimated biomass of female *C. bairdi* Tanner crab that are more than 79 millimeters in carapace width;

(3) "molting mature male abundance" means the estimated abundance of 100 percent newshell and 15 percent of oldshell male *C. bairdi* Tanner crab that are more than 112 millimeters in carapace width.

ISSUE: The current minimum size limit of 5.5 inches (140 mm) carapace width (CW) was established for Tanner crab (*Chionoecetes bairdi*) in the Bering Sea in 1976. It has never been changed. Zheng (2008) showed that mean size of maturity of male Tanner crabs declined from 120 mm CW in 1990 to 100 mm CW in 2006 in the Bristol Bay area. For females, a longer time series of maturity data show that female maturity size declined steadily since 1975 in both Bristol Bay and Pribilof areas. Because of terminal molt, this decline in maturity size has unintended consequences: (1) the few large-growing males experience higher fishing mortality rates and many are removed before they have an opportunity to reproduce, (2) handling mortality of sublegal males increased with the increasing proportion of sublegal to legal-sized crabs, (3) at-sea discards comprise a greater proportion of the total catch, thus increasing catch sorting time and costs, and (4) legal male catch-per-unit-effort (CPUE) declined. The combination of reduced legal male CPUE and increased proportion of sublegals have combined to compromise fishery profitability. Decreased profitability leads the fleet to abandon fishing prematurely, resulting in foregone catch as the fishery no longer attains guideline harvest limits (catch quotas) designed to achieve optimum sustainable yield. NMFS/RAM reports show foregone harvests of the TAC in 2006-07, 2007-08 and 2008-09 due to low CPUE and lack of profitability were respectively: 771,000 pounds; 3.1 million pounds; and 2.2 million pounds.

Reduction in size limit, commensurate with the decline in size of maturity, would reduce catches of sublegal males, thus reducing handling and discard mortality.

The regulation was not in error when originally established, but now, owing to a decline in maturity size, a significant proportion of mature males never molt to legal size. Thus, the original motivation of the size limit to allow males one to two opportunities to mate and then become available to the fishery is no longer maintained.

At the time the size limit was established at 1-2 molts above maturity size, it was unforeseen that mean maturity size would decline by 20 mm CW or more. A reduction in minimum size limit (and commensurate adjustment in harvest rate) is necessary to continue to achieve original optimum yield objectives for this fishery.

This proposal to reduce the minimum size limit for Tanner crabs in the Bering Sea is not allocative, because it affects all fishery participants equally. All participating fishermen and processors will share in the increased yield and economic efficiencies resulting from a reduced size limit, if enacted.

The unforeseen loss of sustained yield and increase in handling and discard mortality of sublegal male Tanner crabs would continue for two more seasons until this matter is address by the Board of Fisheries on their regular meeting cycle in 2010/2011.

The Alaska Crab Coalition is a fisheries trade association representing the owners and operators of Bering Sea and Aleutian Islands crab fishing vessels since 1986.

WHAT WILL HAPPEN IF NOTHING IS DONE? Lack of fishing opportunity.

WILL THE QUALITY OF THE RESOURCE HARVESTED OR PRODUCTS PRODUCED BE IMPROVED? Yes.

WHO IS LIKELY TO BENEFIT? Participants in the fishery.

WHO IS LIKELY TO SUFFER? This proposal to reduce the minimum size limit for Tanner crabs in the Bering Sea is not allocative, because it affects all fishery participants equally. All participating fishermen and processors will share in the increased yield and economic efficiencies resulting from a reduced size limit, if enacted.

OTHER SOLUTIONS CONSIDERED? None.

PROPOSED BY: Arni Thomson, Alaska Crab Coalition (HQ-10F-237)

FINAL ACTION: Carries Fails Tabled No Action See Prop. # _____
ABSENT _____ ABSTAIN _____
DATE _____ TIME _____ TAPE# _____

PROPOSAL 308 - 5 AAC 02.405. Subsistence Crab Fishing Permits. Limit the size of subsistence crab pots June - October as follows:

(b) From June 1 through October 31, crab may only be taken with square or rectangular pots no more than 5 feet long by 5 feet wide; or by pots without a square or rectangular base no more than 5 feet in diameter or 5 feet as measured at the widest point.

ISSUE: The Kodiak red king crab stock is low in abundance. ADF&G and Alaska Wildlife Troopers annually receive reports of excessive harvest of red king crab by subsistence fishermen during summer months. The annual limit of red king crab is three per household per year; fisherman may only use one pot when fishing for red king crab; however, up to five pots may be used for Tanner crab. Crab pots up to 8 feet by 8 feet in size are currently utilized during subsistence crab fishing. Because subsistence annual limits are hard to enforce, this proposal is intended to reduce capture of legal size king crab during the time of year when complaints of illegal subsistence activity is high. The proposal may also reduce capture and subsequent handling exposure of sublegal and female crab by utilizing smaller dimension crab pots.

WHAT WILL HAPPEN IF NOTHING IS DONE? Potential overharvest of legal king crab and increased handling of sublegal and female king crab.

WILL THE QUALITY OF THE RESOURCE HARVESTED OR PRODUCTS PRODUCED BE IMPROVED? This proposal offers ADF&G and Alaska Wildlife Troopers more opportunity to monitor and conserve king crab subsistence fisheries.

WHO IS LIKELY TO BENEFIT? Alaskan residents who subsistence fish for king crab.

WHO IS LIKELY TO SUFFER? Subsistence fishermen who only have access to large pots.

OTHER SOLUTIONS CONSIDERED? None.

PROPOSED BY: Alaska Wildlife Troopers and Alaska Department of Fish and Game
(HQ-10F-151)

FINAL ACTION: Carries Fails Tabled No Action See Prop. # _____

ABSENT _____ ABSTAIN _____

DATE _____ TIME _____ TAPE# _____

PROPOSAL 309 - 5 AAC 34.5XX. New Section; and 5 AAC 35.5XX. New Section.
Modify Alaska Peninsula Area king and South Peninsula District Tanner crab pot limits as follows:

Set crab pot limits – 0-1 million quota allow 30 pots, for quotas from 1 million to 2 million allow 40 pots, quotas over 2 million pounds allow 50 pots, not to allow over 50 pots.

ISSUE: Lack of crab pot limits. If nothing is done, we will be back to square one with no crab fishery.

WHAT WILL HAPPEN IF NOTHING IS DONE? The area will be over fished.

WILL THE QUALITY OF THE RESOURCE HARVESTED OR PRODUCTS PRODUCED BE IMPROVED? The limit will slow down the fishery and raise the quality of the crab.

WHO IS LIKELY TO BENEFIT? All the costal communities.

WHO IS LIKELY TO SUFFER? No one.

OTHER SOLUTIONS CONSIDERED?

PROPOSED BY: William Dushkin, Sr. (HQ-10F-203)

FINAL ACTION: Carries Fails Tabled No Action See Prop. # _____

ABSENT _____ ABSTAIN _____

DATE _____ TIME _____ TAPE# _____

PROPOSAL 310 - 5 AAC 34.525. Lawful gear for Registration Area M. Modify Alaska Peninsula Area king crab pot limits as follows:

Set crab pot limits – 30 pots for a quota up to 1 million pounds, 40 pots for a quota up to 2 million pounds, 50 pots for a quota up to 3 million pounds, 60 pots for a quota up to 4 million pounds, and maximum of 70 pots for quotas 5 million pounds and above.

ISSUE: Protect crab stock in Area M.

WHAT WILL HAPPEN IF NOTHING IS DONE? Crabs, which are now coming back, will be overfished.

WILL THE QUALITY OF THE RESOURCE HARVESTED OR PRODUCTS PRODUCED BE IMPROVED? This proposal will limit the amount of pots in areas to allow the crab to build up without being over fished.

WHO IS LIKELY TO BENEFIT? All fishers because it would help crabs from being over fished.

WHO IS LIKELY TO SUFFER? No one.

OTHER SOLUTIONS CONSIDERED?

PROPOSED BY: George Gundersen (HQ-10F-201)

FINAL ACTION: Carries Fails Tabled No Action See Prop. # _____

ABSENT _____ ABSTAIN _____

DATE _____ TIME _____ TAPE# _____

PROPOSAL 311 - 5 AAC XX.XXX. New section; and 5 AAC 02.010. Methods, means, and general restrictions. Establish an Alaska Peninsula Community Harvest Area in the Bering Sea for king crab and Tanner crab, and establish community subsistence harvest permit conditions as follows:

Part A. add the following:

5 AAC xx.xxx. Community subsistence harvest areas

(a) The commissioner may issue community subsistence harvest permits for designated resource species in the areas specified in this section.

(b) Alaska Peninsula Community Harvest Area for king and Tanner crab: Includes the Bering Sea portion of the Alaska Peninsula Area, east of the longitude of Cape Sarichef Light (164 degrees 55.70' W. long.).

Part B. add the following:

5 AAC xx.xxx. Community subsistence harvest area and permit conditions

(a) The commissioner or the commissioner's designee may, under this section issue a community-based subsistence harvest permit and harvest reports for fish stock where the Board of Fisheries has established a community harvest area.

(b) The board will consider proposals to establish community harvest areas during regularly scheduled meetings to consider seasons and bag limits for affected species in a harvest area. Information considered by the board in evaluating the proposed action will include

(1) a geographic description of the harvest area;

(2) the sustainable harvest and current subsistence regulations and findings for the fish stock to be harvested;

(3) a custom of community-based harvest and sharing of the fish stock harvested in the harvest area; and

(4) other characteristics of harvest practices in the harvest area, including characteristics of the customary and traditional pattern of use found under 5 AAC 99.010(b).

(c) If the board has established a community harvest area for a fish stock, residents of the community may elect to participate in a community harvest permit harvest in accordance with the following conditions:

(1) a harvest administrator representing a group of residents may apply to the department for a community harvest permit by identifying the community harvest area and the species to be harvested, and by requesting community harvest reports sufficient to supply the

estimated number of individuals who will subscribe to the community harvest permit; the harvest administrator

(A) must record and maintain a record of the names of residents subscribing to the community harvest permit and the resident's harvesting license number, permanent harvesting identification card number, or birth date for residents under 16 years of age;

(B) must issue harvest reports to harvesters who have subscribed to the community harvest permit, but may not issue more individual harvest reports than the sum of the individual bag limits of the number of the residents who have subscribed to the permit;

(C) must request additional harvest reports for a community harvest permit from the department during a harvesting season if the number of people subscribing to the harvest exceeds the original estimate;

(D) must collect validated harvest reports from harvesters following the take of individual resources, record harvest information for individual resources taken, and collect biological samples or other information as required by the department for management;

(E) must provide the department with harvest information within a specified period of time when requested, and a final report of all resources taken under the community harvest permit within 15 days of the close of the harvesting season;

(2) a resident of the community who elects to subscribe to a community harvest permit

(A) may not hold a harvest ticket or other state harvest permit for the same species where the bag limit is the same or for fewer numbers during the same regulatory year, however a person may hold harvest tickets or permits for same-species harvests in areas with a larger bag limit following the close of the season for the community harvest permit;

(B) may not subscribe to more than one community harvest permit for a species during a regulatory year;

(C) must have in possession when harvesting and taking a fish stock a community harvest report issued by the harvest administrator for each fish stock taken;

(D) must validate a community harvest report immediately upon taking a resource limit;

(E) must report harvest and surrender validated harvest reports to the harvest administrator within 5 days, or sooner if required by the department, of taking a resource and transporting it to the place of final processing for preparation for human use and provide the harvest administrator with information and biological samples required under terms of the permit; and

(F) need not be present on the harvesting vessel if they are assigned support duties of the overall harvest.

(d) Seasons for community harvest permits will be the same as those established for other subsistence harvests for that species in the geographic area included in a community harvest area. The total limit for a community harvest permit will be equal to the sum of the individual limits established for other subsistence harvests for that species in the harvest area. Seasons and limits may vary within a harvest area according to established subsistence regulations for different resource management units or other geographic delineations in a harvest area.

(e) Establishment of a community harvest area will not constrain nonsubscribing residents of the community from participating in subsistence harvest activities for a species in that harvest area using individual harvest tickets or other state permits authorized by regulations, nor will it require any resident of the community eligible to fish under existing subsistence regulations to subscribe to a community harvest permit.

(f) The department may disapprove an application for a community subsistence harvest permit from a harvest administrator who has previously failed to comply with requirements in (c)(1) of this subsection.

Part C. modify the following:

5 AAC 02.010. Methods, means, and general restrictions

(a) Unless otherwise provided in this title, the following are legal types of gear for subsistence fishing:

.....

(e) Marking requirements for subsistence shellfish gear except while harvesting under a community harvest permit with department assigned inscriptions, are as follows:

(1) a person who is subsistence fishing shall plainly and legibly inscribe that person's first initial, last name, and address on a keg or buoy attached to unattended subsistence fishing gear, except that if a person is fishing through the ice, a stake inscribed with the first initial, last name, and address inserted in the ice near the hole may be substituted for the keg or buoy; subsistence fishing gear may not display a permanent ADF&G vessel license number;

(2) kegs or buoys attached to subsistence crab pots also must be inscribed with the name or the division of motor vehicles boat registration number, issued under 5 AAC 70, of the vessel used to operate the pots.

.....

(i) Subsistence shellfish pot limits are as follows:

(1) except in the Kotzebue Sound Section and when fishing through the ice in the Norton Sound Section, **or while harvesting under a community harvest permit**, no more than five pots per person and 10 pots per vessel may be used to take crab; ...

ISSUE: The need for a community harvest permit in order to have reasonable opportunity for success in a pattern that is economically efficient for harvesting subsistence resources available in the area of residence. The need for a community harvest permit with the ability to harvest without pot limits, allowing us a reasonable opportunity for success in a pattern that is economically efficient.

WHAT WILL HAPPEN IF NOTHING IS DONE? Continued denial of reasonable opportunity for harvest of our areas resources. Limitations will continue to prevent a normally diligent participant from having a reasonable expectation of success.

WILL THE QUALITY OF THE RESOURCE HARVESTED OR PRODUCTS PRODUCED BE IMPROVED? The quality is improved by providing the most benefit to the most amount of subsistence users in the area they and the resource reside by enabling them to efficiently harvest the resources where they live. The quality is improved by providing the most benefit to the most amount of subsistence users with the least amount of effort and cost.

WHO IS LIKELY TO BENEFIT? All subsistence users of our area wishing to harvest cooperatively.

WHO IS LIKELY TO SUFFER? Unknown.

OTHER SOLUTIONS CONSIDERED? There are no other solutions at this time.

PROPOSED BY: Melanie Rotter (HQ-10F-208)

FINAL ACTION: Carries Fails Tabled No Action See Prop. # _____

ABSENT _____ ABSTAIN _____

DATE _____ TIME _____ TAPE# _____

PROPOSAL 312 - 5 AAC 02.525. Subsistence Tanner crab fishery; and 5 AAC 02.520. Subsistence king crab fishery. Modify Alaska Peninsula-Aleutian Islands king and Tanner crab subsistence bag and possession regulations to accommodate Community Harvest Permit as follows:

5 AAC 02.525. Subsistence Tanner crab fishery.

Except while harvesting under a community harvest permit, the [THE] daily bag and possession limit is 12 Tanner crab per person. Only male Tanner crab five and one-half inches or greater in width...

5 AAC 02.520. Subsistence king crab fishery. In the subsistence taking of king crab

(1) **except while harvesting under a community harvest permit,** the daily bag and possession limit is six king crab per person, except that in the waters west of the longitude of Scotch Cap Light (166 degrees 44' W. long.) and east of 168 degrees W. long., the daily bag and possession limit is one king crab per person; [ONLY MALE KING CRAB MAY BE TAKEN;]

(2) all crab pots used for subsistence fishing and left in saltwater unattended longer than a two-week period shall have all bait containers removed and all doors secured fully open;

(3) crab may be taken only from June 1 through January 31;

(4) only male king crab six and one-half inches or greater in width of shell may be taken or possessed, **unless being gathered for purposes of scientific or enhancement projects approved by the department.**

ISSUE: The need for a community harvest permit with the ability to harvest without a daily bag limit, allowing us a reasonable opportunity for success in a pattern that is economically efficient. Also the need for females in hatchery or enhancement projects.

WHAT WILL HAPPEN IF NOTHING IS DONE? Limitations will continue to prevent our normally diligent fishermen from having any reasonable expectation of success.

WILL THE QUALITY OF THE RESOURCE HARVESTED OR PRODUCTS PRODUCED BE IMPROVED? Yes. The quality is improved by providing the most benefit to the most amount of subsistence users with the least amount of effort and cost. Recovering stocks on the south side of the Alaska Peninsula can benefit from possible enhancement projects.

WHO IS LIKELY TO BENEFIT? All subsistence users of our district.

WHO IS LIKELY TO SUFFER? Unknown.

OTHER SOLUTIONS CONSIDERED? There are no other solutions at this time.

PROPOSED BY: Melanie Rotter

(HQ-10F-215)

FINAL ACTION: Carries Fails Tabled No Action See Prop. # _____

ABSENT _____ ABSTAIN _____

DATE _____ TIME _____ TAPE# _____

PROPOSAL 313 - 5 AAC 02.566. Customary and traditional subsistence uses of shellfish stocks and amount necessary for subsistence uses. Modify king and Tanner crab subsistence customary and traditional use findings for Alaska Peninsula-Aleutian Islands Area as follows:

5 AAC 02.566. Customary and traditional subsistence uses of shellfish stocks and amounts necessary for subsistence uses.

(a) The Alaska Board of Fisheries (board) finds that king crab, Tanner crab, Dungeness crab, and miscellaneous shellfish are customarily and traditionally used for subsistence in the Alaska Peninsula-Aleutian Islands Area. **Accurate stock assessments of king and Tanner crab in the Bering Sea waters of the Alaska Peninsula Area will be assured with assessments done independently of other waters of the Bering Sea.**

(b) The board finds that **the king crab amount necessary will be determined by anticipated need** [1,200 - 7,400 KING CRAB ARE REASONABLY NECESSARY] for subsistence uses in the Alaska Peninsula-Aleutian Islands Area [, WHICH INCLUDES 800 - 6,000 KING CRAB WITHIN THE WATERS WEST OF THE LONGITUDE OF SCOTCH CAP LIGHT (166 DEGREES 44' W. LONG.) AND EAST OF 168 DEGREES W. LONG.].

(c) The board finds that **the Tanner crab amount necessary will be determined by anticipated need** [4,200 - 16,200 TANNER CRAB ARE REASONABLY NECESSARY] for subsistence uses in the Alaska Peninsula-Aleutian Islands Area [,WHICH INCLUDES 1,500 - 8,000 TANNER CRAB WITH THE WATERS WEST OF THE LONGITUDE OF SCOTCH CAP LIGHT (166 DEGREES 44' W. LONG.) AND EAST OF 168 DEGREES W. LONG.].

(e) The board finds that the customary trade of shellfish of this area is historical and the amount will be limited only by what is necessary to maintain the livelihood of the area.

ISSUE: A limit placed on subsistence use of a resource goes against AS 16.05.258 which gives subsistence users a priority over all other users. The need for a community harvest permit and quota with regulatory authority that does not limit the amount of trade.

WHAT WILL HAPPEN IF NOTHING IS DONE? Continued limitations that exist in current regulations are preventing our normally diligent fishermen from having any reasonable expectation of success. The potential economic development will not be realized. Government assistance programs will not be alleviated and our entire economy will continue to worsen.

WILL THE QUALITY OF THE RESOURCE HARVESTED OR PRODUCTS PRODUCED BE IMPROVED? Yes. The quality of the resource will be improved by accurate assessments of actual stocks in our area to assure for all subsistence needs. By providing the most benefit to the most amount of subsistence users in the area.

WHO IS LIKELY TO BENEFIT? All subsistence users of our district. Both state and federal governments, as well as the people of our area who want this opportunity to fully care for ourselves, our children, our elders, and ultimately our entire community.

WHO IS LIKELY TO SUFFER? Unknown.

OTHER SOLUTIONS CONSIDERED? There are no other solutions at this time.

PROPOSED BY: Melanie Rotter

(HQ-10F-217)

FINAL ACTION: Carries Fails Tabled No Action See Prop. # _____

ABSENT _____ ABSTAIN _____

DATE _____ TIME _____ TAPE# _____

PROPOSAL 314 - 5 AAC 02.011(d). Subsistence fishing by proxy. Modify statewide shellfish subsistence proxy methods for Community Harvest Permit as follows:

(d)As provided in AS 16.05.405, a proxy who takes or attempts to take shellfish by subsistence fishing on behalf of a beneficiary may, at the same time, fish for the proxy’s own use, except **while harvesting under a community harvest permit** [THAT] the proxy...

ISSUE: The need for a community harvest permit with exceptions in order to have reasonable opportunity for success in a pattern that is economically efficient for more than one proxy beneficiary.

WHAT WILL HAPPEN IF NOTHING IS DONE? Continued denial of reasonable opportunity for harvest of our resources for those who are 65 years or older and those who are medically incapacitated.

WILL THE QUALITY OF THE RESOURCE HARVESTED OR PRODUCTS PRODUCED BE IMPROVED? Yes. The quality is improved by providing the most benefit to the most amount of subsistence users who are proxy beneficiaries.

WHO IS LIKELY TO BENEFIT? All proxy beneficiaries of our district.

WHO IS LIKELY TO SUFFER? Unknown.

OTHER SOLUTIONS CONSIDERED? There are no other solutions at this time.

PROPOSED BY: Melanie Rotter (HQ-10F-214)

FINAL ACTION: Carries Fails Tabled No Action See Prop. # _____

ABSENT _____ ABSTAIN _____

DATE _____ TIME _____ TAPE# _____

PROPOSAL 315 - 5 AAC 58.0XX. New Section. Clarify restriction on use of sport, personal or subsistence caught shellfish by owner, operator, or employee of a lodge, charter vessel, or other enterprise that furnishes food, lodging, or sport fishing guide services as follows:

The owner, operator, or employee of a lodge, charter vessel, or other enterprise that furnishes food, lodging, or sport fishing guide services may not furnish to a client or guest of that enterprise, shellfish, unless the

- (1) shellfish has been taken with gear deployed and retrieved by the client or guest;
- (2) gear has been marked with the client's or guest's name and address, as specified in 5 AAC 75.035(1), 5 AAC 77.010(d), and 5 AAC 02.010 (e)(1) by the client.
- (3) shellfish is to be consumed by the client or guest or is consumed in the presence of the client or guest.

The captain and crew members of a charter vessel may not deploy, set, or retrieve their own gear in a sport shellfish fishery when that vessel is being chartered.

ISSUE: Charter boat operators and crew who pull their own sport, personal use, or subsistence shellfish pots and provide shellfish to paying clients are engaging in unlawful commercial fishing. Regulations in southeast Alaska clearly prohibit this practice. Regulations for areas outside of southeast Alaska, are not clearly stated that prohibit charter boats and lodges from setting and retrieving their own shellfish pots and supplying their customers with fresh shellfish. Therefore the illegal commercial use of sport, personal or subsistence caught shellfish is occurring and is difficult to enforce. This prohibition is needed on a statewide basis.

WHAT WILL HAPPEN IF NOTHING IS DONE? Difficulties will continue with enforcement of illegal commercial sale of sport personal use and subsistence caught shellfish. Fishery management restrictions could result sooner because commercial activities inflate harvests.

WILL THE QUALITY OF THE RESOURCE HARVESTED OR PRODUCTS PRODUCED BE IMPROVED? Yes.

WHO IS LIKELY TO BENEFIT? The shellfish resources of Alaska and users.

WHO IS LIKELY TO SUFFER? Lodge owners, operators, and employees, charter vessel owners and operators may experience a small reduction in clientele and some inconvenience from having to operate their own gear when paying clients are not present.

OTHER SOLUTIONS CONSIDERED? None.

PROPOSED BY: Alaska Department of Public Safety (HQ-10F-060)

FINAL ACTION: Carries Fails Tabled No Action See Prop. # _____

ABSENT _____ ABSTAIN _____

DATE _____ TIME _____ TAPE# _____

PROPOSAL 316 - 5 AAC 35.410. Fishing seasons for Registration Area H. Allow for a January 15 crab season in Cook Inlet as follows:

There would be a managed commercial harvest on January 15th, 20 - 30 pots for a portion of crab harvested by personal use.

ISSUE: Closed season for commercial harvest of *c. bairdi* crab in Cook Inlet, under the Magnuson-Stevens Act and the ten national standards, it is illegal to put personal use ahead of commercial.

WHAT WILL HAPPEN IF NOTHING IS DONE? No season, more skip molt crab, less feed for pre-recruit crab to grow, loss of jobs, loss of economy to the community.

WILL THE QUALITY OF THE RESOURCE HARVESTED OR PRODUCTS PRODUCED BE IMPROVED? Yes, by harvesting skip molt (old crabs) and strengthen pre-recruit stocks that compete for food and stronger breeding stock.

WHO IS LIKELY TO BENEFIT? Everyone, stronger crab stocks.

WHO IS LIKELY TO SUFFER? No one.

OTHER SOLUTIONS CONSIDERED?

PROPOSED BY: Garland Blanchard (SC-10F-096)

FINAL ACTION: Carries Fails Tabled No Action See Prop. # _____

ABSENT _____ ABSTAIN _____

DATE _____ TIME _____ TAPE# _____

PROPOSAL 317 - 5 AAC 77.516. Personal Use Tanner crab fishery. Amend season dates for Tanner crab as follows:

(1) Male Tanner crab may be taken only from **October 1- April 15**

ISSUE: Harvesting Tanner crab during molt and softshell seasons.

WHAT WILL HAPPEN IF NOTHING IS DONE? There will continue to be unnecessary handling of crab during July-August-September.

WILL THE QUALITY OF THE RESOURCE HARVESTED OR PRODUCTS PRODUCED BE IMPROVED? Yes- the crab harvested in July-August and September have little or no meat and are of poor quality.

WHO IS LIKELY TO BENEFIT? The Tanner crab.

WHO IS LIKELY TO SUFFER? No one.

OTHER SOLUTIONS CONSIDERED? There would be less opportunity for some out of Homer Area sports fishermen.

PROPOSED BY: Al Ray Carrol (HQ-10F-072)

FINAL ACTION: Carries Fails Tabled No Action See Prop. # _____

ABSENT _____ ABSTAIN _____

DATE _____ TIME _____ TAPE# _____

PROPOSAL 318 - 5 AAC 77.516. Personal use Tanner crab fishery. Allow a three person gear limit for Tanner crab per vessel as follows:

Gear is limited to 2 pots per person, with a maximum of six per vessel.

ISSUE: Personal use per vessel gear limit, for Tanner crab. Tanner crab personal use fishing is 12+ miles from Seward and due to winter shipping lanes, is limited in area. A 3-person gear limit per vessel would allow several people to share the additional costs of each trip.

WHAT WILL HAPPEN IF NOTHING IS DONE? Status quo, little or no Tanner crab fishing in North Gulf Coast waters.

WILL THE QUALITY OF THE RESOURCE HARVESTED OR PRODUCTS PRODUCED BE IMPROVED? A harvest report filed by the personal use fishermen would provide information on stocks in the North Gulf Coast.

WHO IS LIKELY TO BENEFIT? Residents of Alaska.

WHO IS LIKELY TO SUFFER? No one.

OTHER SOLUTIONS CONSIDERED? None.

PROPOSED BY: Seward Advisory Committee (SC-10F-005)

FINAL ACTION: Carries Fails Tabled No Action See Prop. # _____

ABSENT _____ ABSTAIN _____

DATE _____ TIME _____ TAPE# _____

PROPOSAL 319 - 5 AAC 77.450 - 466. Kodiak Area Personal Use Shellfish Fishery.
Repeal personal use regulations for taking crab in the Kodiak Area.

Repealed 5 AAC 77.450. Description of area; 5 AAC 77.455. Fishing Districts; 5 AAC 77.457. Personal use fishing permits; 5 AAC 77.460. Personal use shrimp fishery; 5 AAC 77.462. Personal use Dungeness crab fishery; 5 AAC 77.466. Personal use Tanner crab fishery.

ISSUE: Kodiak Area personal use shellfish regulations are redundant to those for subsistence fishing. Alaska residents wishing to harvest shellfish for their personal use can do so by obtaining an ADF&G subsistence permit. Currently there are no waters within the Kodiak Area that are closed to subsistence, but open for personal use fishing. Overlapping subsistence and personal use regulations for the same waters have created public confusion over what opportunities are available for harvesting Kodiak’s shellfish resources and have created an extraneous recordkeeping requirement for the department.

WHAT WILL HAPPEN IF NOTHING IS DONE? The public and some department staff will continue to be confused over subsistence and personal use regulations applied to the same waters for harvesting shellfish.

WILL THE QUALITY OF THE RESOURCE HARVESTED OR PRODUCTS PRODUCED BE IMPROVED? No.

WHO IS LIKELY TO BENEFIT? Alaska residents currently confused in regard to their opportunities for harvesting shellfish in Kodiak waters.

WHO IS LIKELY TO SUFFER? No one.

OTHER SOLUTIONS CONSIDERED? None.

PROPOSED BY: Alaska Department of Fish and Game (HQ-10F-183)

FINAL ACTION: Carries Fails Tabled No Action See Prop. # _____

ABSENT _____ ABSTAIN _____

DATE _____ TIME _____ TAPE# _____

PROPOSAL 320 - 5 AAC 77.400 - 416. Chignik Area Personal Use Shellfish Fishery.
Repeal personal use regulations for taking crab in the Chignik Area.

Repealed. 5 AAC 77.400. Description of area; 5 AAC 77.405. Fishing Districts; 5 AAC 77.407. Personal use fishing permits; 5 AAC 77.410. Personal use shrimp fishery; 5 AAC 77.412. Personal use Dungeness crab fishery; 5 AAC 77.414. Personal use king crab fishery; 5 AAC 77.416. Personal use Tanner crab fishery.

ISSUE: Chignik Area personal use shellfish regulations are redundant to those in place for subsistence fishing. Alaska residents wishing to harvest shellfish for their personal use can do so by obtaining an ADF&G subsistence permit. Currently there are no waters within the Chignik Area that are closed to subsistence, but open for personal use fishing. Overlapping subsistence and personal use regulations for the same waters have created public confusion over what opportunities are available for harvesting Chignik’s shellfish resources and have created an extraneous recordkeeping requirement for the department.

WHAT WILL HAPPEN IF NOTHING IS DONE? The public and some department staff will continue to be confused over subsistence and personal use regulations applied to the same waters for harvesting shellfish.

WILL THE QUALITY OF THE RESOURCE HARVESTED OR PRODUCTS PRODUCED BE IMPROVED? No.

WHO IS LIKELY TO BENEFIT? Alaska residents currently confused in regard to their opportunities for harvesting shellfish in Chignik waters.

WHO IS LIKELY TO SUFFER? No one.

OTHER SOLUTIONS CONSIDERED? None.

PROPOSED BY: Alaska Department of Fish and Game (HQ-10F-184)

FINAL ACTION: Carries Fails Tabled No Action See Prop. # _____

ABSENT _____ ABSTAIN _____

DATE _____ TIME _____ TAPE# _____

The following proposal was developed as a board generated proposal. It is scheduled for consideration during the March 22-26, 2011 meeting in Anchorage.

PROPOSAL 333 - 5 AAC 06.333. Requirements and specifications for use of 200 fathoms of drift gillnet in Bristol Bay. Clarify regulation on terminating a joint operation of dual permits in the Bristol Bay commercial salmon fishery as follows:

5 AAC 06.333. Requirements and specification for use of 200 fathoms of drift gillnet in Bristol Bay.

(b) Before operating drift gillnet gear jointly under this section, both permit holders shall register with the department under 5 AAC 06.370 for the same district indicating the intent to jointly operate gear. The permit holders may not use a vessel for joint operations of drift gillnet gear unless that vessel is registered with the department under 5 AAC 06.370 for the same district as the permit holders. Termination of joint operation of drift gillnet gear under this section is not effective until **at least one of the** [BOTH] permit holders register the date and time of termination with the department in the manner specified for reregistration in 5 AAC 06.370(b).

ISSUE: During its December 2009 Alaska Board of Fisheries meeting, the Commercial Fisheries Entry Commission (CFEC) presented to the board a need to capture information regarding dual permit use in Bristol Bay (5 AAC 06.333. *Requirements and specifications for use of 200 fathoms of drift gillnet in Bristol Bay*). During board discussions several scenarios were discussed regarding the termination status of dual permit vessels. However, in drafting the regulatory language, some scenarios specific to the termination of the joint operation were not captured. The current language requires that both parties in a dual permit partnership must register the termination, but it has become clear that this is not always workable (e.g., the two parties may disagree about the termination of the joint operation or one party may leave the fishery altogether without registering the termination). This may unnecessarily limit one or both parties in their movement(s) from district to district during the registration period. As a remedy, the language should state that either party may terminate the joint operation.

WHAT WILL HAPPEN IF NOTHING IS DONE? To wait until 2013 to correct this issue could cause irreparable harm to fishermen using the dual permit system in that if one of the permit holders failed to terminate the arrangement then it could, in effect, eliminate the second permit holder from reregistering for another district and prohibit the second permit holder's participation the rest of the season. In addition, CFEC data records would be inaccurate.

WILL THE QUALITY OF THE RESOURCE HARVESTED OR PRODUCTS PRODUCED BE IMPROVED? No.

WHO IS LIKELY TO BENEFIT? Those who chose dual permits in the Bristol Bay drift gillnet fishery.

WHO IS LIKELY TO SUFFER? No one.

OTHER SOLUTIONS CONSIDERED? None at this time.

PROPOSED BY: Alaska Department of Fish and Game (was ACR 9 from October 2010)

FINAL ACTION: Carries Fails Tabled No Action See Prop. # _____

ABSENT _____ ABSTAIN _____

DATE _____ TIME _____ TAPE# _____

Proposal A

FISH AND GAME EMERGENCY REGULATION

Title 5. Fish and Game.

Chapter 28. Groundfish Fishery.

**Article 10. Bering Sea-Aleutian Islands Area
(Registration Area O).**

5 AAC 28.087(b) is amending by adding a new paragraph to read:

(b) Notwithstanding (a) of this section, during a parallel season for Pacific cod

(1) in the Kodiak Area, the waters within three nautical miles of the Steller sea lion haul out at Cape Barnabas (57° 10.20' N. lat., 152° 53.05' W. long.) shall be open to pot and mechanical jigging machine gear; [AND]

(2) in the South Alaska Peninsula Area, the waters within three nautical miles of the Steller sea lion haul out at Caton Island (54° 22.70' N. lat., 162° 21.30' W. long.) shall be open to pot and mechanical jigging machine gear;[.] **and**

(3) in the Bering Sea – Aleutian Islands Area, the state waters between 175° W. long. and 178° W. long. shall be open to fishing with trawl, pot, mechanical jigging machine gear, and hand troll gear by vessels no more than sixty feet in overall length and to fishing with longline gear by vessels no more that 58 feet in overall length; for the purposes of this paragraph "overall length" means the straight line length between extremities of the vessel, excluding anchor rollers.

(Eff. 1/3/2002, Register 161; am 8/18/2002, Register 163; am 12/29/2002, Register 164; am 4/24/2009, Register 190; am 5/31/2009, Register 190; **em am 1/____011, Register ____**)

Authority: AS 16.05.060 AS 16.05.251

FINAL ACTION: Carries Fails Tabled No Action See Prop. # _____

ABSENT _____ ABSTAIN _____

DATE _____ TIME _____ TAPE# _____