

## BOF Comments By Charlie Lean on Proposal 346

## Issues:

- 1) Allocation by line changes-Winter/Summer, Commercial/ Subsistence.
- 2) Economic issues – NSEDC Kevin Keith will cover.
- 3) Impacts of fishing during male molt.
- 4) Due Process/ The role of the BOF regulatory decisions and public participation.

**Allocation:** 1982 crab meeting had two major regulations changes affecting Allocation. BoF set the exploitation rate of the summer NS crab fishery at ½ the rate of the other king crab fisheries in the state to provide an adequate opportunity for the local winter fisheries. The large boat king crab fleet had frozen the local fishermen out of the summer fishery. A line was drawn around the Northern Coast to direct the summer fishery away from crab thought to be most likely to migrate into the range of the winter Through-the-ice fisheries. The allocation issue was to some extent subsistence vs. commercial, but it was also local vs. non-local. In 1985, the closed line was challenged by the commercial fleet at the BOF. Part of the justification for the line was the protection of important juvenile habitat near Cape Nome. The surveys had found a high density of “podding” juvenile crab. The winter commercial fishery most likely has a greater impact to subsistence fishing than the summer fishery, a fact frequently overlooked. Another wrench in the works that is fairly recent is the impacts of underwater harbor and mining dredging. AkDNR leases certainly impact the nearshore opportunities in the fisheries near Nome. Ice stability during the winter is also glossed over as a limiting factor of the winter fisheries. The point is despite all these variables, the 2013 winter harvest of the commercial and subsistence fishery was a record that stood well above previous harvests. This makes it very difficult to say there was an inadequate subsistence opportunity. I believe Kevin Knowlton can speak to the strong catches he found during early September too.

**Fishing during the Male Molt:** As a general rule Crab fisheries working crab with a synchronous molt are closed when molting crab are present in the fishery. The concerns are both for increased mortality (handling and in the tank) and for economic reasons. Molting crab are impaired by the separation of losing their exoskeleton and if they exert much leverage they run the risk of hemorrhage as the paper thin new shell cannot stand muscular activity with a partial attachment to the old shell. The economic issue, other than mortality, is that paper thin shell that the consumer finds in the crab they just paid a handsome price for. Consumers are not very forgiving when they receive an inferior product and often hesitate to buy that product again. When the season was set at Sept 3 it was primarily an economic decision and it was the crab fleet who pressed for the measure. In the past, a season based on a life history (breeding or molt) was considered a “biological” as opposed to the more common “orderly fishery” dates. In the past, a biological date change require a commissioner’s order rather than an EO because the date addressed an issue that had greater potential issues.

**The Board Process:** The function of regulations is to provide the fishery participants with fair notice of how the fishery will operate. A fair and orderly fishery is how it has been stated. The question of what to do when male crab do not move offshore on their regular schedule has arisen on a fairly regular basis



over the course of this fishery. We believe this behavior is related to a large recruitment of maturing female crab. The BOF has heard the issue several times over the years. The public has participated in the decision making process. The resulting regulations were posted and people made plans and financial decisions based on those rules. Unfortunately, the managers decided mid-season to extend the season rather than utilize the regulatory solution of relaxing the line. They have written the line was relaxed and indeed it was to a very small extent. They saw only a short lived increase in CPUE. The reason was that the bulk of the fleet was trying to fit in a small area as soon as it was know someone had a good catch. Still, the CPUE was comparable to what the dispersed fleet found in the normally open waters. This indicated a better catch was possible in closed waters and the current regulatory solution was appropriate.

Summary: The current exploitation rate has allowed a gradual upward trend in the NS Red King Crab Population over the last 25 years. This is arguably the most stable crab population in the state. The allocative issues in this fishery have been hammered out and we recently set a record in winter harvest. The harvest rate in this fishery is sufficiently low as to allow very close control on reaching the GHL. The managers need to reconsider their actions and respect the public process. I am asking the BOF to uphold the intent of the existing regulations, not amend any of them. I think you will hear others testify on the impacts of the management in 2009 and 2013. We have had little satisfaction in trying to address this locally and had to bring this issue forward.