These staff comments were prepared by the Alaska department of Fish and Game for use at the Alaska Board of Fisheries Statewide King and Tanner Crab meeting scheduled for March 7–13, 2005 in Anchorage, Alaska. The comments are designed to assist the public and board. The state staff comments should be considered preliminary and subject to change, as new information becomes available.

Department Positions on Proposals 390–451

Proposal Number	Department Position	Issue
390	S	Allow observers access to vessel coordinates in pot fisheries
391	S	Change name from brown king crab to golden king crab in regulations
392	S	Clarify closed waters at Point Salisbury, Southeast Alaska
393	S	Clarify escape ring placement in Southeast Alaska commercial king crab pots
394	O	Liberalize storage regulations for king and Tanner crab pots in Southeast Alaska
395	O	Allow use of personal use and subsistence Dungeness crab and shrimp pots concurrently with commercial king and Tanner crab fisheries
396	S	Repeal special 8" commercial king crab fishery regulation in Southeast Alaska
397	S	Modify red and blue king crab GHL in Yakutat
398	S	Establish 200,000 pound threshold for commercial red king crab fishery in Southeast Alaska
399	S	Modify golden king crab fishing area descriptions in Southeast Alaska
400	S	Modify golden king crab GHLs in Southeast Alaska
401	S	Repeal special 61/2" golden king crab fishery regulation in Southeast Alaska
402	S	Provide for GHL range for commercial Southeast Alaska Tanner crab
403	S	Provide regulatory language describing commercial Tanner crab fishing areas in Southeast Alaska
404	S	Develop management plan for Southeast Alaska commercial Tanner crab fishery
405	O	Change start time of Southeast Alaska commercial Tanner crab fishery
406	S	Exempt Southeast Alaska commercial Tanner crab fishermen from certain landing requirements
407	S	Clarify escape ring placement in Southeast Alaska commercial king crab pots
408	S	Establish escape ring regulation for Yakutat area commercial Tanner crab fishery
409	S	Clarify escape mechanism in pot fisheries
410	S	Establish escape ring placement for Yakutat area subsistence king crab fishery
411	S	Reduce king crab personal use bag limit in Section 15-B
412	S	Establish escape ring regulation for Yakutat area personal use king crab fishery
413	S	Clarify escape mechanism in pot fisheries
414	O	Establish commercial Tanner crab fishery in Prince William Sound
415	O	Establish commercial king crab fishery in Prince William Sound
416	O	Halt use of bottom trawl for department crab stock assessment
417	O	Establish personal use king crab fishery in Prince William Sound
418	O	Establish personal use Tanner crab fishery in Prince William Sound
419	O	Reopen sport/personal use Tanner crab fishery in Kachemak Bay
420	S	Modify community development quotas in Bering Sea/Aleutian Islands king and Tanner crab fisheries
421	S	Modify Bering Sea/Aleutian Islands Tanner crab fisheries
422	O	Modify existing pot limits for six crab fisheries in Areas Q and T
423	N	Implement pot limits in the eastern and western Aleutian Islands golden king crab fishery
424	O	Repeal pot limits for Areas O, T, Q and J
425	O	Modify Bristol Bay commercial red king crab season
426	S	Allow vessels participating in a BSAI crab fishing cooperative to operate the gear of each vessel that is a member of the cooperative

427	N	Prevent a Norton Sound red/blue king crab CFEC permit holder from being crew member on another Norton Sound red/blue king crab boat during same season
428	N	Divide Norton Sound section and St. Lawrence section into two new areas
429	N	Require all Norton Sound crabbers that deliver in State waters to hold federal FFP
430	O	Modify St. Lawrence section commercial red/blue king crab season
431	S	Repeal personal use king and Tanner crab fisheries in Norton Sound-Port Clarence areas
433	N	Modify post-fishery stand down provisions for the Kodiak commercial Tanner crab fishery
434	O	Increase subsistence annual household limit for king crab in the Kodiak area
435	S	Prohibit owner, operator, or employee of lodge, charter vessel, or other enterprise from furnishing guest or client shellfish taken under subsistence regulations
436	S	Modify season date for Kodiak and Alaska Peninsula area commercial red and blue king crab fisheries
437	S	Allow department to adjust daily fishing periods in the Kodiak commercial Tanner crab fishery
438	O	Allow daily fishing periods in Kodiak area commercial Tanner crab fishery
439	O	Allow 24-hour fishing in Kodiak area Tanner crab fishery
440	O	Allow 24-hour fishing in Kodiak area Tanner crab fishery
441	N	Develop pot limits based on vessel size for the Kodiak area commercial Tanner crab fishery
442	N	Develop pot limits based on vessel size for the Kodiak area commercial Tanner crab fishery
443	O	Allow vessels fishing in offshore locations of the Kodiak district Tanner crab fishery to use a boat load of pots
444	N	Allow vessels prospecting near Chikof Island, Semidi Islands, Lighthouse Rocks, Sutwik Island, Mainline, and Portlock to use 70 pots
445	N	Allow permit stacking and increased pots in Kodiak area commercial Tanner crab fishery
446	O	Provide dual tag system for Kodiak area commercial Tanner crab fishery
447	N	Open Semidi Island section commercial Tanner crab fishery when either the Southwest of the Kodiak district or the Chignik District is open
448	S	Amend provisions of Kodiak area commercial Tanner crab season dates based on weather
449	N	Increase pot limits in Chignik area commercial Tanner crab fishery at higher GHLs
450	N	Allow Chignik District commercial Tanner crab fishery to open independently of South Peninsula District
451	S	Revise harvest strategy for South Peninsula District commercial Tanner crab fishery
456	S/N	Open Alagnak River to set gillnet for sockeye salmon harvest

Key: S-Support, N-Neutral, O-Oppose

STAFF COMMENTS ON REGULATORY PROPOSALS

FOR STATEWIDE KING AND TANNER CRAB

FOR THE 2004/2005

ALASKA BOARD OF FISHERIES MEETING

ANCHORAGE, ALASKA

MARCH 7–13, 2005

by

Staff

Regional Information Report[1] No. 1J05-01

Alaska department of Fish and Game
Division of Commercial Fisheries
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[1] The Regional Information Report series was established in 1987 to provide an information access system for all unpublished divisional reports. These reports frequently serve diverse ad hoc informational purposes or archive basic uninterpreted data. To accommodate timely reporting of recently collected information, reports in this series undergo only limited internal review and may contain preliminary data, this information may be subsequently finalized and published in the formal literature. Consequently, these reports should not be cited without prior approval of the author or the Division of Commercial Fisheries.

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PROPOSAL 390: Page 294, 5 AAC 39.141. Onboard Observer Program. Allow observers access to vessel coordinates in all pot fisheries as follows:

WHAT WILL THE PROPOSAL DO? This proposal will require vessel operators participating in all crab fisheries to allow onboard observers to record precise locations of each sampled pot pull. Location information is an integral component of fisheries bycatch data. In addition, the proposal will require vessel operators participating in all crab fisheries to allow observers access to loran or GPS coordinates at any time to execute the observer duties.

WHAT ARE THE CURRENT REGULATIONS? (f) Onboard observers shall have free and unobstructed access to loran or GPS coordinates, at random, at least twice in each 24-hour period. However, an observer shall have access to loran or GPS coordinates at any time if the observer suspects illegal activities. These loran or GPS observations are not to interfere with normal operations of the vessel. Onboard observers shall have free and unobstructed access to loran or GPS coordinates for all sampled pots in the brown king crab fisheries in Registration Area O (Aleutian Islands).

WHAT WILL BE THE EFFECT IF THE PROPOSAL IS ADOPTED? Allowing observer access to GPS coordinates assures that the department will have accurate and necessary location information for fishery and stock assessments.

BACKGROUND: The current regulation requiring that onboard observers have access to coordinates at least twice per 24-hour period was adopted by the BOF in 1992 when some vessel operators, fearing loss of confidentiality of fishing location information, objected to providing observers with coordinates. During the past eight years, vessel operators routinely provide observers with precise location information for all pots sampled for bycatch. In 1994, the BOF adopted a regulation requiring observers on all vessels participating in the Aleutian Islands golden king crab fisheries. Requiring 100% observer coverage is intended to provide ADF&G with fishery and stock assessment data necessary to effectively manage the Aleutian Islands king crab stocks.

Precise locations of all sampled pot lifts are an integral component of the fishery and stock assessment data gathered by observers. Since 1994, the BOF broadened observer coverage to include catcher-vessels participating in all Bering Sea and Aleutian Islands crab fisheries in an effort to increase catch-related information for management of the fisheries.

DEPARTMENT COMMENTS: This is a staff proposal that puts into regulation practices that are standard procedures in observed fisheries and assures that data are complete and useful for fishery management and stock assessment. This is an FMP Category III (state observer program) management measure.

COST STATEMENT: This proposal is not expected to result in additional direct cost for the private person to participate.

PROPOSAL 391: Page 294, 5 AAC 34. King Crab Fishery and 5 AAC 39 General Provisions. Change all commercial fishing regulations to rename brown king crab to golden king crab.

WHAT WILL THE PROPOSAL DO? All commercial fishing regulations that reference brown king crab will be changed to golden king crab.

WHAT ARE THE CURRENT REGULATIONS? Current regulations for *Lithodes aequispinus* have an associated common name of brown king crab. The accepted common name is golden king crab.

WHAT WILL BE THE EFFECT IF THE PROPOSAL IS ADOPTED? There should be no effect on fisheries for brown king crab.

BACKGROUND: The accepted common name for *Lithodes aequispinus* in the ADF&G's writers guide is golden king crab. Regulations referencing brown king crab are found in various management areas' regulations and in general provision regulations.

DEPARTMENT COMMENTS: This is a department proposal.

COST STATEMENT: This proposal is not expected to result in additional direct cost for the private person to participate.

PROPOSAL 392, PAGE 295: 5 AAC 34.150. CLOSED WATERS IN REGISTRATION AREA A.

WHAT WOULD THIS PROPOSAL DO? The latitude and longitude of Point Salisbury would be added to the regulatory description of the closed waters to commercial king crab fishing in Section 11-A of Southeast Alaska, Registration Area A.

WHAT ARE THE CURRENT REGULATIONS? Currently regulations describe the southern boundary of the waters closed to commercial king crab fishing in Section 11-A as the area north of a line from Marmion Island Light to the easternmost tip of Point Salisbury.

WHAT WOULD BE THE EFFECT OF THE PROPOSAL IF ADOPTED? There would be less ambiguity regarding the southern boundary line of the closed waters for king crab fishing in Section 11-A.

BACKGROUND: Gastineau Channel north of a line from Marmion Island Light to the easternmost tip of Point Salisbury was closed to commercial red king crab fishing beginning with the 1978/79 red king crab season.

DEPARTMENT COMMENTS: The department submitted and **supports** this housekeeping proposal.

COST STATEMENT: The department does not believe that approval of this proposal will result in any additional direct cost for a private person to participate in this fishery.

PROPOSAL 393, PAGE 295: 5 AAC 34.125. LAWFUL GEAR FOR REGISTRATION AREA A.

WHAT WOULD THIS PROPOSAL DO? This proposal seeks to require that escape rings in commercial king crab pots in Southeast Alaska, Registration Area A, be placed so that one is in each quadrant (of conical or pyramid pots) and within eight inches of the top of the web bar. It also clarifies escape ring placement on cone pots.

WHAT ARE THE CURRENT REGULATIONS? Current regulations specify the number and minimum size of escape rings but not their placement. Currently, all escape rings could legally be placed adjacent to each other on the same side of the pot and at any height, which would reduce effectiveness of the escape rings.

WHAT WOULD BE THE EFFECT OF THE PROPOSAL IF ADOPTED? All king crab pots would have escape rings optimally located to escape non-legal sized and female crabs.

BACKGROUND: The current description of escape ring placement is clear only for square pots that have vertical side walls, also there is currently no description of relative escape ring placement, thus all 4 escape rings could be adjacent to each other, resulting in less efficient escape of juvenile and female crabs. The result may be unnecessary handling of non-legal crab, which increases leg loss and mortality. Furthermore, the distance of escape rings relative to the web bar is not specified and rings that are placed too high do not function as efficiently at escaping king crabs.

DEPARTMENT COMMENTS: The department submitted and **supports** this proposal as primarily housekeeping.

COST STATEMENT: The department does not believe that approval of this proposal will result in a substantial direct cost for a private person to participate in this fishery. It may be necessary for some permit holders to spend time repositioning existing escape rings to comply with the proposed regulation.

PROPOSAL 394, PAGE 296: 5 AAC 34.127. KING CRAB POT STORAGE REQUIREMENTS FOR REGISTRATION AREA A.

WHAT WOULD THIS PROPOSAL DO? This proposal would remove the gear storage time limit of 7 days following the closure of the entire Registration Area or 3 days following the closure of a portion of the area for all king crab fisheries in Southeast Alaska, Registration Area A. This would allow king crabbers in Southeast Alaska to store unbaited red or golden king crab gear with doors secured fully open in waters shallower than 25 fathoms throughout the entire year and in waters deeper than 25 fathoms for 7 days following the closure of the entire Registration Area or 3 days following the closure of a portion of the area. Although the proposal identifies a problem with the golden king crab fishery, the proposed regulation would affect both golden and red king crab fisheries in Registration Area A.

WHAT ARE THE CURRENT REGULATIONS? Current regulations permit gear storage of unbaited king crab gear with doors secured fully open for 7 days following the closure of the entire Registration Area or 3 days following the closure of a portion of the area with no specific depth considerations.

WHAT WOULD BE THE EFFECT OF THE PROPOSAL IF ADOPTED? King crab fishers would not have to remove gear from the water following a commercial season as long as the gear was stored in less than 25 fathoms of water. There would be no gear storage time limit following the closure of the commercial red and golden king crab fisheries in Southeast Alaska if the gear was stored in waters greater than 25 fathoms. Unbaited king crab gear with doors secured fully open could be stored in waters shallower than 25 fathoms throughout the year.

BACKGROUND: Beginning in 1969 statewide king crab regulations specified that pots were either to be removed from the water or stored in waters of 5 fathoms or less. In 1975 the maximum statewide storage depth was changed to 25 fathoms or less. The gear storage requirements for king crab gear in Southeast Alaska were established in the 1996/97 season. They were designed to provide for orderly removal of gear following area closure while facilitating enforcement of area closures, particularly since pulling of heavy king crab pot gear to ascertain that it is in stored condition is impractical.

In recent seasons, participation and intensity have increased in the Southeast Alaska golden king crab fishery; as a result the GHL is achieved more quickly in key areas. This has caused difficulty in compliance with gear storage regulations, particularly for smaller vessels. In order to minimize this problem, the department tries to time closures to periods of moderate tides and to give the fleet a minimum of 5–7 days notice of an area closure in order to minimize safety and enforcement issues of vessels attempting to comply with regulations.

DEPARTMENT COMMENTS: The department **opposes** this proposal as year round storage of king and Tanner crab pots in waters less than 25 fathoms would likely result in significant crab mortality, particularly of red king crab, from ghost fishing. There is an abundance of literature on the ability of unbaited gear to continue to catch crabs. It has also been reported that the mortality due to cannibalism in pots with long soak times can be high. The tendency of a stored pot to ghost fish will depend on the pot type and the care with which it is stored. Long-term storage of cone or pyramid pots could be particularly problematic, as legally stored cone or pyramid pot with purse strings unsecured will nonetheless retain crabs that enter pots before its biodegradable twine rots.

The department defers to ABWE on the impact this regulation would have on their ability to enforce red and golden king crab season closures, which is the primary purpose of gear storage time limits. Without pulling

PROPOSAL 394 (continued)

a pot it is not always possible to tell what type of pot it is or whether it is a lost, stored or illegally fishing pot. The statewide regulations governing gear storage after the season are intended to allow easy distinction between stored and actively fishing gear. But since red king crab commonly occur in waters less than 25 fathoms; the proposed regulation would likely make enforcement of closures in this fishery very problematic. The King and Tanner crab Task Force has indicated that the current 5–7 days notice of an area closure for golden king crab is sufficient given reasonable tides and weather. Upon occasional severe weather conditions, area closures have been extended to allow for reasonable opportunity to store and remove gear.

COST STATEMENT: The department does not believe that approval of this proposal will result in any additional direct cost for a private person to participate in this fishery.

Comment [KPH1]: If this is an enforcement problem and we are going to defer to ABWE, we should not discuss potential biological concerns unless we feel they are significant, in which case we should not defer to ABWE. If ghost fishing is viewed as a serious problem with pots in stored condition, we should not be allowing this practice at all.

Comment [KPH2]: If this is an enforcement problem and we are going to defer to ABWE, we should not discuss potential biological concerns unless we feel they are significant, in which case we should not defer to ABWE. If ghost fishing is viewed as a serious problem with pots in stored condition, we should not be allowing this practice at all.

Comment [KPH3]: If this is an enforcement problem and we are going to defer to ABWE, we should not discuss potential biological concerns unless we feel they are significant, in which case we should not defer to ABWE. If ghost fishing is viewed as a serious problem with pots in stored condition, we should not be allowing this practice at all.

PROPOSAL 395, PAGE 297: 5 AAC 34.128. OPERATION OF OTHER GEAR IN REGISTRATION AREA A; 5 AAC 35.128 OPERATION OF OTHER GEAR IN REGISTRATION AREA A.

WHAT WOULD THIS PROPOSAL DO? This proposal would allow commercial fishers to operate subsistence or personal use Dungeness or shrimp pots during the commercial king and Tanner crab seasons in Southeast Alaska, Registration Area A.

WHAT ARE THE CURRENT REGULATIONS? The current king crab regulations [5 AAC 34.053(2), 5 AAC 34.128] specify that during a commercial king crab fishery a person or vessel validly registered for that fishery may not operate commercial, subsistence, sport or personal use pots other than commercial king crab pots, except that in Registration Area A, commercial shrimp or Dungeness pot gear may be operated during the 30 days prior to and during the commercial king crab season. However, a person or vessel may stop participating in the commercial king crab fishery and instead operate commercial pots other than king crab pots.

The current Tanner crab regulations [5 AAC 35.053(2), 5 AAC 35.128] specify that during a commercial Tanner crab fishery a person or vessel validly registered for that fishery may not operate commercial, subsistence, sport or personal use pots other than commercial Tanner crab pots, except that in Registration Area A, commercial shrimp or Dungeness pot gear may be operated during the 30 days prior to and during the commercial Tanner crab season. However, a person or vessel may stop participating in the commercial Tanner crab fishery and instead operate commercial pots other than Tanner crab pots.

Gear limits are in effect for commercial king crab, Tanner crab, Dungeness crab and shrimp pot fisheries in Southeast Alaska. For red king crab the gear limit is tiered with 20, 30, 40 or 50 pots allowed depending upon the GHL [5 AAC 34.125(b)(1)]. For golden king crab the gear limit is either 80 pots for those dually registered for Tanner crab or 100 pots for those not registered for Tanner crab [5 AAC 34.125(b)(2)]. For Tanner crab the gear limit is 80 pots [5 AAC 35.125(b)]. For Dungeness crab, pots limits are 300 or less if designated by CFEC permit [5 AAC 32.125(b)]. For shrimp, pot limits are set at 100 'large' or 140 'small' pots [5 AAC 31.124(e)(2)].

Dungeness personal use fishers are allowed 5 pots per person with a maximum of 10 pots per vessel, and shrimp personal use fishers may have 10 pots per person and a maximum of 20 per vessel. There is no personal use, subsistence or sport gear definition for Dungeness crab pots except that biodegradable twine and two 4 3/8 inch escape rings on the upper half of the vertical wall of the pot are required [5 AAC 77.662(5); 5 AAC 02.115(6); 5 AAC 47.035(d)(3)] Personal use, subsistence, and sport shrimp pots are narrowly defined and biodegradable twine is required [5 AAC 77.660(5); 5AAC 02.115(6); 5 AAC 47.035(k)].

WHAT WOULD BE THE EFFECT OF THE PROPOSAL IF ADOPTED? Individuals participating in commercial king or Tanner crab fisheries would be allowed to concurrently set pots for harvest of personal use or subsistence Dungeness crab or shrimp in Registration Area A. For those concurrently participating in commercial king or Tanner crab and commercial Dungeness crab or shrimp fisheries, this would allow stacking of commercial and personal use Dungeness crab or shrimp gear limits on a single vessel as long as the pots did not fit into the legal description for ‘king crab pots’.

PROPOSAL 395 (continued)

BACKGROUND: The current statewide regulations that prohibit subsistence, commercial, sport and personal use pot fishing 14 days prior to a commercial king or Tanner crab season were established by the Board of Fisheries in 1988. A prohibition on subsistence, sport, and personal use pot fishing during the 14 days following the season was added beginning in 1990. Finally, the clarification that personal use fishing is also prohibited during the commercial season was added in 1999.

The Southeast Alaska specific regulation excepting commercial shrimp and Dungeness crab fishing from the 14 day stand down period and allowing concurrent fishing during the commercial king and Tanner crab season were established at the 1996 meeting of the Board of Fisheries. The regulations extending the stand down period to 30 days in Registration Area A were added at the 1999 meeting of the Board of Fisheries in order to completely discourage stockpiling of crab.

DEPARTMENT COMMENTS: The department **opposes** this proposal as the absence of a personal use Dungeness pot definition means that commercial 7-foot diameter cone pots with 4 3/8-inch diameter escape rings on the upper half of the side wall, which retain legal-sized king or Tanner crab, would be legal personal use Dungeness gear. This would effectively increase a commercial king or Tanner crab gear limit by 10 pots. This would be a significant increase from the current lowest tiered pot limit of 20 for the Southeast Alaska red king crab fishery. Pot limits have been important in permitting inseason management of this fishery.

We also note that allowing additional concurrent fisheries will further complicate enforcement. The current regulations which allow registered king and Tanner crab vessels in Registration Area A to concurrently fish commercial Dungeness or shrimp gear were established based upon testimony from the Department that gear types for these fisheries are not effective in capturing commercial size king and Tanner crabs and thus could not be used in stockpiling or prospecting. However, ABWE stated that these new regulations would place an additional burden of enforcement on them to ascertain that ostensive Dungeness and Shrimp pots were not in fact illegally buoyed king or Tanner crab pots.

COST STATEMENT: The department does not believe that approval of this proposal will result in any additional direct cost for a private person to participate in this fishery.

PROPOSAL 396, PAGE 297: 5 AAC 34.110. FISHING SEASONS FOR REGISTRATION AREA A.

WHAT WOULD THIS PROPOSAL DO? Remove reference to a season to be opened by emergency order for 8-inch male king crab in Southeast Alaska, Registration Area A.

WHAT ARE THE CURRENT REGULATIONS? Current regulations specify that the department may open by emergency order a season for the purpose of harvesting male king crab 8 inches or greater in carapace width. The minimum size limit for red and golden king crab during the regular season is 7 inches carapace width. The minimum size limit for blue king crab is 6.5 inches.

WHAT WOULD BE THE EFFECT OF THE PROPOSAL IF ADOPTED? The department would not have the option to open a special 8-inch king crab fishery by emergency order.

BACKGROUND: In 1975/76 a regulation permitting the opening of a fishery by emergency order for male king crab eight inches or greater in width of shell was established based upon a staff proposal. The justification for this regulation was as follows: "Protection of a weak recruit size-class is desirable for proper management, yet a total closure eliminates fishing on larger size-classes which might warrant additional harvest. This would allow fishing on the larger size-classes and protection of the recruit size-class if the situation should arise." The intent of the regulation was to provide a mechanism to harvest a component of the red king crab population during the time before the current stock assessment program was in place. This regulation has never been implemented. The 8-inch size limit for periods opened and closed by EO (5 AAC 35.120 (2) was repealed in 1997 but the season (5 AAC 34.110 (d)) was not concurrently repealed.

DEPARTMENT COMMENTS: The department submitted and **supports** this proposal as housekeeping. This regulation became obsolete when the current red king crab management plan was established, however it was never repealed. The fishery is now managed based on estimates of absolute abundance and minimum thresholds, which allow the department to more accurately assess stock levels and strength of size classes within the population. For example, size-specific red king crab population biomass estimates from modeling of survey data allow the harvest rate on legal crabs to increase when prerecruit biomass is high and decrease it when it is low.

COST STATEMENT: The department does not believe that approval of this proposal will result in any additional direct cost for a private person to participate in this fishery.

PROPOSAL 397, PAGE 298: 5 AAC 34.175. GUIDELINE HARVEST LEVEL FOR REGISTRATION AREA D.

WHAT WOULD THIS PROPOSAL DO? This proposal would change the guideline harvest level (GHL) of 40,000 pounds of red and blue king crab in Yakutat, Registration Area D to a guideline harvest range (GHR) of 0–20,000 pounds, clarifying that the department may set an annual GHL anywhere within this range.

WHAT ARE THE CURRENT REGULATIONS? Current regulations specify a guideline harvest level of 40,000 pounds of red and blue king crab in Registration Area D.

WHAT WOULD BE THE EFFECT OF THE PROPOSAL IF ADOPTED? The maximum regulatory harvest allowed for red and blue king crab in Registration Area D would be decreased to 20,000 pounds and it would clarify the department's authority to modify harvest levels as needed for conservation of the stock..

BACKGROUND: The current 40,000-pound GHL for red/blue king crab in Registration Area D has never been taken. The highest harvest to date was 14,000 pounds in the 1979/80 season. Between 1972/1973 and 2003/2004 seasons, the harvest has averaged 3,000 pounds annually. There has been no harvest since the 2000/2001 season as there has been no effort despite the fishery being open each season.

DEPARTMENT COMMENTS: The department submitted and **supports** this proposal. Having an excessively high GHL in regulation creates expectations of harvest opportunities that are unrealistic based upon historical fishery performance in this area. In addition, by setting a GHL instead of a GHR may be misleading if it is interpreted as an annual harvest objective.

COST STATEMENT: The department does not believe that approval of this proposal will result in any additional direct cost for a private person to participate in this fishery.

PROPOSAL 398, PAGE 298: 5 AAC 34.113. SOUTHEAST ALASKA RED KING CRAB MANAGEMENT PLAN.

WHAT WOULD THIS PROPOSAL DO? This proposal would establish in regulation the threshold at which a red king crab commercial fishery would occur in Registration Area A at an available harvest level of 200,000 pounds.

WHAT ARE THE CURRENT REGULATIONS? The current regulations specify a threshold guideline harvest level (GHL) of 200,000 pounds, however unless removed a sunset clause will cause the threshold to revert to 300,000 pounds beginning with the 2005/2006 season.

WHAT WOULD BE THE EFFECT OF THE PROPOSAL IF ADOPTED? Commercial fishing would be allowed for a smaller GHL of red king crab than under the previous 300,000-pound threshold. In general, commercial harvest would be allowed when the overall population size is lower than when using a 300,000-pound threshold.

BACKGROUND: The department sets an annual GHL by evaluating the overall biological health and population size of red king crab stocks throughout the Southeast region. The total GHL is obtained by summing the available harvests from 8 of the 9 areas currently surveyed in the annual red king crab stock assessment survey and the contribution to the commercial catch from areas not surveyed. The available harvest from surveyed and unsurveyed areas is reduced to accommodate allocation guidelines (Section 11-A Personal Use fishery) and other expected personal use catches to obtain the total available commercial harvest of legal male red king crab. If this total GHL is greater than the threshold, then the commercial fishery is allowed to open by regulation on November 1.

The Board of Fisheries adopted the 300,000-pound minimum threshold level in 1988, based primarily on economic considerations (when the exvessel price averaged $0.50 per pound). It was subsequently incorporated into the Southeast Alaska Red King Crab Management Plan, adopted in 1993. The Southeast Alaska red king crab fishery operated under this threshold from 1993–2001. During this time period the fishery was open for 7 seasons and remained closed for 2 seasons (1998/1999 and 2000/2001) when the estimated available commercial harvests of legal male red king crab were below the 300,000-pound threshold harvest level.

At the 2002 meeting of the Board of Fisheries the threshold was lowered to 200,000 pounds, with a three-year sunset clause, in response to an industry proposal. The primary intent was to provide for an annual commercial fishery even if that necessitated lower GHLs. A major purpose of this was to avoid reallocation of commercial quota share to the personal use fishery such as occurs when discrete local populations remain healthy while regionally the fishery is below threshold. In the Juneau area, the 'Section 11-A Red King Crab Management Plan' explicitly re-allocates the entire commercial red king crab GHL for Section 11-A to the personal use fishery in cases when the commercial fishery is below the regional threshold. Implicit re-allocations happen in other areas such as Peril Strait, and Gambier, Pybus or Farragut Bays when personal use fisheries remain open because of healthy local stocks while the commercial fishery is closed because it is below the regional threshold.

At the 2002 meeting of the BOF there were several levels of uncertainty regarding this threshold change. This pertained to the department's management accuracy in targeting small GHLs, the economic viability of a fishery targeting small GHLs, and to a lesser extent, the biological impacts of a smaller threshold. Because of this uncertainty, the Board put a sunset clause of 3 years on this new regulation. The purpose of the sunset clause was to require the department to report back to the Board on its ability to accurately target a lower GHL, as well as the effects of a lowered threshold on the fishery and on the red king crab population.

PROPOSAL 398 (continued)

The 200,000-lb threshold has now been in effect for three seasons during two of which the fishery was opened. During the 2002/2003 season a GHL of 250,000 pounds was established and 233,630 pounds were harvested in the commercial fishery. During the 2003/2004 season a GHL of 225,000 pounds was established and 193,759 pounds were harvested in the commercial fishery. A mandatory call-in program was in effect during these two seasons. The reporting rate during the call-in averaged 75% for the first 3 days of the 2003/2004 season. This provided sufficient data for the department to accurately target the lower GHLs.

Over the last three seasons, the red king crab population size has been declining steadily (Table 398-1). The available harvest has declined from a recent high of 342,000 pounds for the 1999/2000 season to 80,500 pounds for the 2004/2005 season. There has been a corresponding increase in the number of areas closed or with reduced seasons. There are currently 3 areas designated with a 'poor' stock status: Peril Strait, Seymour Canal, and Port Frederick. The personal use fishery in each of these areas has been closed as well. The last season in which no areas were closed was 1996/1997. No commercial fishery was conducted in the 2004/2005 season as the available harvest was under the 200,000-pound threshold.

DEPARTMENT COMMENTS: The department **supports** this proposal. The department has demonstrated an ability to adequately manage for a lower GHL (below 300,000 pounds) and the mandatory call-in program is considered an important tool in accomplishing that. In order to continue targeting GHLs below 300,000 pounds, the department recommends maintaining authority to implement mandatory call-ins in the future.

Although the stock has been declining for the past three years, as evidenced through the department's survey, there is no evidence that this is a direct result of lowering the threshold.

COST STATEMENT: The department does not believe that approval of this proposal will result in any additional direct cost for a private person to participate in this fishery.

Table 398-1. Summary of the population size, and commercial and personal use harvest levels since the fishery re-opened in 1993 through 2004 for red king crab in Registration Area A, Southeast Alaska.

Season	*Fishery opening date*	*Commercial threshold*	*Estimated Pounds Legal Surveyed Areas*	*Commercial GHL*	*Commercial harvest, pounds*	*Estimated PU harvest, pounds*
1985–1992	-Closed-	300,000	599,798	0	0	21,509
1993/94	Nov. 1, 1993	300,000	1,078,961	315,000	202,384	91,386
1994/95	Nov. 1, 1994	300,000	994,740	300,000	256,267	68,571
1995/96	Nov. 1, 1995	300,000	1,184,149	300,000	357,639	62,582
1996/97	Nov. 1, 1996	300,000	1,276,259	397,000	428,549	65,935
1997/98	Nov. 1, 1997	300,000	995,222	300,000	307,832	70,185
1998/99	-Closed-	300,000	919,465	265,000	0	84,300
1999/00	Nov. 1, 1999	300,000	1,069,835	342,000	289,548	72,429
2000/01	-Closed-	300,000	953,087	183,000	0	70,749

Table 398-1. (continued)

Season	*Fishery opening date*	*Commercial threshold*	*Estimated Pounds Legal Surveyed Areas*	*Commercial GHL*	*Commercial harvest, pounds*	*Estimated PU harvest, pounds*
2001/02	Nov. 1, 2001	300,000	1,243,465	302,000	296,967	87,253
2002/03	Nov. 1, 2002	200,000	1,305,148	250,000	233,979	71,835
2003/04	Nov. 1, 2003	200,000	764,902	225,000	193,801	98,239
2004/05	-Closed-	200,000	577,747	80,000	0	

PROPOSAL 399, PAGE 299: 5 AAC 34.107. DESCRIPTION OF GOLDEN (BROWN) KING CRAB FISHING AREAS WITHIN REGISTRATION AREA A.

WHAT WOULD THIS PROPOSAL DO? This proposal would describe the boundaries of two new golden king crab fishing sub-areas that have been managed with separate GHLs since the 1999/2000 season and rename existing areas to more geographically accurate names for Southeast Alaska, Registration Area A.

WHAT ARE THE CURRENT REGULATIONS? Current regulations name and describe the boundaries for 5 fishing areas. They are the Frederick Sound, Icy Straits, Chatham Straits, Cape Ommaney, and Clarence Straits Areas.

WHAT WOULD BE THE EFFECT OF THE PROPOSAL IF ADOPTED? The spatial management strategy that has been employed since the 2000/2001 season would be put into regulation and more geographically accurate names would be created. The Frederick Sound Area would be split into two areas, the North Stephens Passage Area (currently managed as the North Frederick Sound sub area) and the East Central Area (currently managed as the Frederick Sound sub area). The Icy Strait Area would also be split into two areas, the Icy Strait Area (current West Icy Strait sub area), and the Northern Area (current Icy Strait sub area). The Chatham Strait Area would be renamed the Mid Chatham Strait Area, Cape Ommaney would be renamed the Lower Chatham Strait Area, and the Clarence Strait Area would be renamed the Southern Area.

BACKGROUND: In order to prevent overexploitation of any single golden king crab fishing ground, area-specific fishing areas each with their own GHRs were defined in regulation in 1987. Prior to that time a regionwide GHR had been in place. At the request of the King and Tanner Crab Task Force, the Department subdivided the Frederick Sound and Icy Strait management areas into two separate sub-areas began to manage them separately beginning with the 2000/2001 season. The new Frederick Sound sub areas are North Stephens Passage (North Frederick) which consists of all waters of Sections 11-B and 11-C, and East Central (Frederick Sound) which consists of all waters of District 10, District 9 east of a line from Kingsmill Point to Point Gardner, all waters of District 8 north of the latitude of Blaquiere Point, all waters of Section 6-A, and all waters of District 5 north of the latitude of Point Baker. The new Icy Strait sub areas are Icy Strait (West Icy), which consists of all waters of District 14, and Northern (Icy Strait), which consists of all waters of Sections 11-A, 13-C and 13-A in Peril Strait north and east of Point Kakul and Districts 12 and 15. The boundaries of the new subareas were drawn in consultation with the Task Force. The intent of managing these sub areas separately was to encourage the fleet to disperse within the management area instead of taking the entire GHL from one highly productive portion of the area.

Additionally, the current names of the existing management areas use names of prominent water bodies, but are awkward and confusing because they do not accurately reference the bodies of water within the management unit. For example, the "Icy Straits Area" includes a large section of Chatham Strait, Lynn Canal, Peril Strait and Tenakee Inlet.

DEPARTMENT COMMENTS: The department submitted and **supports** this proposal. As these sub-areas have been managed separately since the 2000/2001 season but are not currently defined in regulation they must be repeatedly described in News Releases and Emergency Orders. This leads to confusion and, in some cases, difficulty in complying with regulations.

The new names proposed here are more general so there will be less chance of misunderstanding while describing areas.

PROPOSAL 399 (continued)

The department notes that that if proposal 399 is adopted, the reference to the Cape Ommaney and Clarence Strait areas will need to be updated in 5 AAC 34.120 also.

COST STATEMENT: The department does not believe that approval of this proposal will result in any additional direct cost for a private person to participate in this fishery.

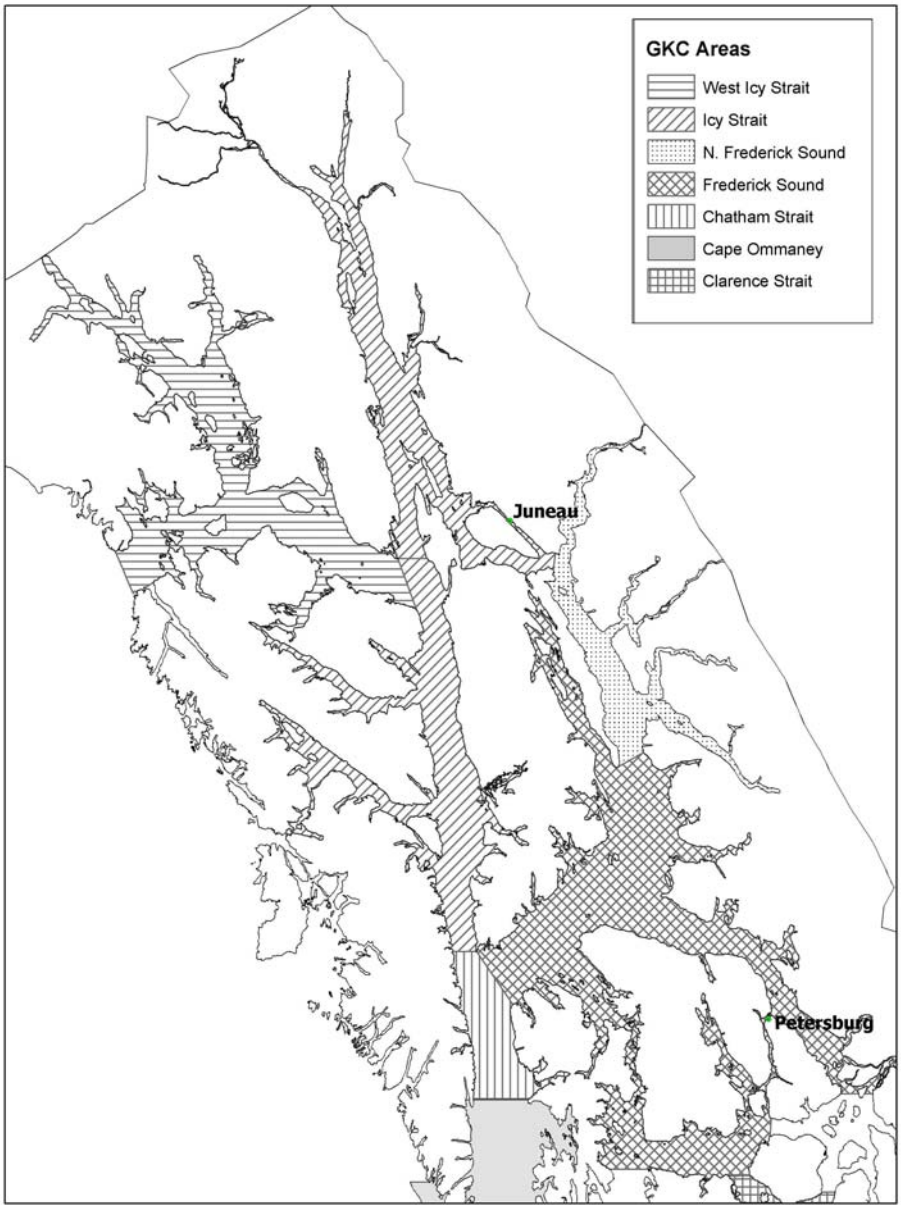

Figure 399-1. Chart of golden king crab management areas in northern Southeast Alaska.

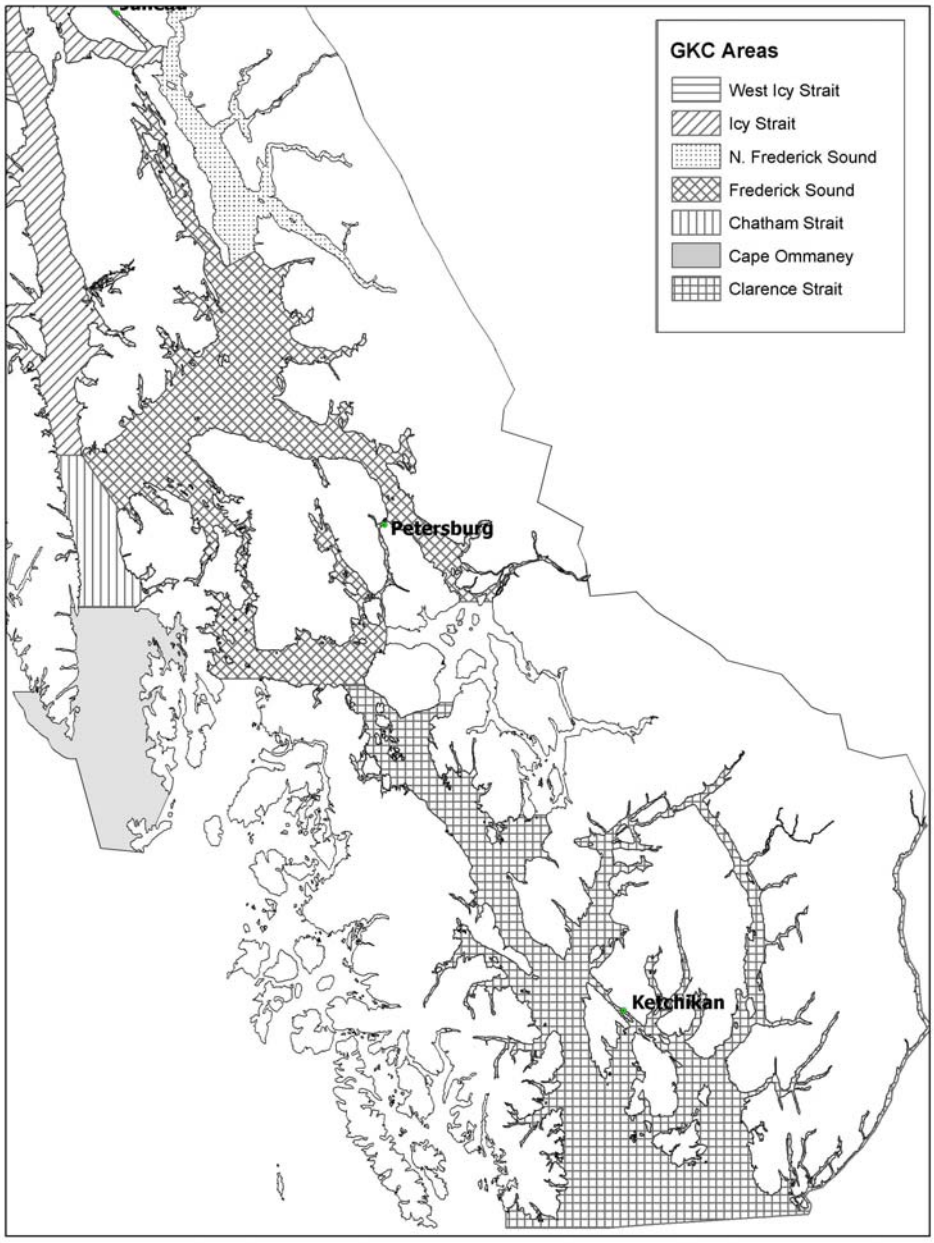

Figure 399-2. Chart of golden king crab management areas in southern Southeast Alaska.

PROPOSAL 400, PAGE 300: 5 AAC 34.115. GUIDELINE HARVEST RANGES FOR REGISTRATION AREA A.

WHAT WOULD THIS PROPOSAL DO? This proposal is a companion to proposal #399. It would leave the upper limit of the regional guideline harvest range (GHR) unchanged while putting into regulation guideline harvest ranges for the sub areas of the Frederick Sound and Icy Strait golden king crab management areas in Southeast Alaska, Registration Area A. The new North Stephens Passage (North Frederick) Area would have a GHR from 0–25,000 pounds; the East Central (Frederick Sound; see staff comments for Proposal 399) Area would have a GHR from 0–225,000 pounds. The new Icy Strait (West Icy) Area would have a GHR from 0–90,000 pounds while the Northern (Icy Strait) Area would have a GHR from 0–110,000 pounds. At the request of the King and Tanner Crab Task Force, the department has adopted these GHRs for the new subareas by emergency order authority beginning with the 2000/2001 season.g

WHAT ARE THE CURRENT REGULATIONS? Current regulations specify guideline harvest ranges for only five management areas, Frederick Sound Area has a GHR from 0–250,000 pounds, Icy Strait Area has a GHR from 0–200,000 pounds, Chatham Strait Area has a GHR from 0–150,000 pounds, Cape Ommaney Area has a GHR from 0–50,000 pounds, and the Clarence Strait Area GHR is from 0–25,000 pounds.

WHAT WOULD BE THE EFFECT OF THE PROPOSAL IF ADOPTED? The Frederick Sound Area and Icy Strait Area GHRs that have been managed for since the 1999/2000 season would each be split into two separate GHRs and described in regulation.

BACKGROUND: The department has managed within the above-described GHRs since the 2000/2001 season (Table 400-1).

DEPARTMENT COMMENTS: The department submitted and **supports** this proposal. As these sub-area GHRs are not currently defined in regulation they must be repeatedly described in News Releases and Emergency Orders. This leads to confusion and misunderstanding of management.

In preparing these staff comments it was noticed that the current split for these sub areas bears little relationship to the distribution of historic harvest (Table 400-1). This may be the reason that harvest has consistently exceeded the GHR in the Northern (Icy Strait) area over each the past 4 seasons of managing within these GHRs (Table 400-2). For this reason, the Department proposes to amend this proposal as follows. Instead of the 0–90,000 pounds for the Icy Strait Area and 0–110,000 pounds for the Northern area originally proposed, we substitute 0–55,000 pounds for the new Icy Strait area, and 0–145,000 pounds for the new Northern area.

COST STATEMENT: The department does not believe that approval of this proposal will result in any additional direct cost for a private person to participate in this fishery.

Table 400-1. Guideline harvest ranges, levels, and harvest (in pounds) achieved for golden king crab management areas, 2000/2001–2003/2004 seasons, Southeast Alaska, Registration Area A.

Management Area, Old Name	*Management Area, Proposed New Name*	*Season*	*Fishery start*	*GHR*	*GHL*	*Harvest*
Frederick Sound Subarea	East Central Area	2000/2001	February 15, 2001	0–225,000	225,000	196,810
		2001/2002	February 15, 2002	0–225,000	225,000	267,637
		2002/2003	February 15, 2003	0–225,000	200,000	226,905
		2003/2004	February 15, 2004	0–225,000	200,000	233,655
North Frederick Subarea	North Stephens Passage Area	2000/2001	February 15, 2001	0–25,000	10,000	11,563
		2001/2002	February 15, 2002	0–25,000	10,000	23,335
		2002/2003	February 15, 2003	0–25,000	20,000	26,085
		2003/2004	February 15, 2004	0–25,000	20,000	19,608
Icy Strait Subarea	Northern Area	2000/2001	February 15, 2001	0–110,000	100,000	108,058
		2001/2002	February 15, 2002	0–110,000	100,000	131,277
		2002/2003	February 15, 2003	0–110,000	100,000	178,938
		2003/2004	February 15, 2004	0–110,000	100,000	181,154
West Icy Subarea	Icy Strait Area	2000/2001	February 15, 2001	0–90,000	40,000	41,221
		2001/2002	February 15, 2002	0–90,000	40,000	50,080
		2002/2003	February 15, 2003	0–90,000	40,000	45,106
		2003/2004	February 15, 2004	0–90,000	40,000	53,049
Chatham Strait	Mid Chatham Strait Area	2000/2001	February 15, 2001	0–150,000	125,000	126,579
		2001/2002	February 15, 2002	0–150,000	110,000	113,426
		2002/2003	February 15, 2003	0–150,000	100,000	78,284
		2003/2004	February 15, 2004	0–150,000	100,000	55,107
Cape Ommaney	Lower Chatham Strait Area	2000/2001	February 15, 2001	0–50,000	40,000	*
		2001/2002	February 15, 2002	0–50,000	40,000	*
		2002/2003	February 15, 2003	0–50,000	15,000	*
		2003/2004	February 15, 2004	0–50,000	15,000	*
Clarence Strait	Southern Area	2000/2001	February 15, 2001	0–25,000	15,000	*
		2001/2002	February 15, 2002	0–25,000	15,000	*
		2002/2003	February 15, 2003	0–25,000	10,000	*
		2003/2004	February 15, 2004	0–25,000	10,000	*

* Harvest by less than 3 permit holders is confidential

Table 400-2. Distribution of the current Icy Strait area GHR into the new Northern and Icy Strait areas based on current split versus by using historic harvest (in pounds) over the 1971/72 through 2003/04 seasons, for Southeast Alaska, Registration Area A.

Old name *New name*	*Icy Strait subarea* *Northern area*	*West Icy Strait subarea* *Icy Strait area*	*Total*
Historic harvest, pounds	3,119,040	1,168,552	4,287,592
% Total historic harvest	73%	27%	100%
Upper end GHR using historic harvest	**145,491**	**54,509**	**200,000**
Current upper end GHR	110,000	90,000	200,000

PROPOSAL 401, PAGE 300: 5 AAC 34.120. SIZE LIMITS FOR REGISTRATION AREA A.

WHAT WOULD THIS PROPOSAL DO? This proposal would repeal the provision for a fishery, to be conducted by emergency order, on 6 ½-inch golden king crab in the Cape Ommaney and Clarence Strait areas of Southeast Alaska, Registration Area A.

WHAT ARE THE CURRENT REGULATIONS? The size limit for golden king crab during the regular season is 7 inches in carapace width, however there is a provision for a fishery to be opened by emergency order on 6 ½-inch golden king crab in either the Cape Ommaney or Clarence Strait areas.

WHAT WOULD BE THE EFFECT OF THE PROPOSAL IF ADOPTED? The 6 ½-inch golden king crab season has been opened only once and there are no plans to open it again. The only effect of eliminating this season would be to clarify golden king crab management.

BACKGROUND: Size at sexual maturity for golden king crab in Southeast Alaska has not been determined. The current minimum size of 7-inches in carapace width, was established in 1969, based upon size at maturity information from red king crab in the Gulf of Alaska.

This regulation allowing for a season to harvest 6 ½-inch width male golden (brown) king crab in Cape Ommaney and Clarence Strait Areas was put in place by the Board of Fisheries at its winter 1993 meeting because crabs in these areas are smaller on average and thought to mature at a smaller size.

Elsewhere in the state of Alaska size limits for golden king crab have been calculated as size at maturity plus two molts of growth. This is to provide for several years of mating prior to commercial harvest. The current legal size of 7 inches in Southeast Alaska provides for slightly less than this if the size at maturity is the same as estimated for the Southern Bering Sea. This suggests that chances for successful mating would be reduced if harvest of golden king crab males at a size of 6 ½-inch CW were allowed.

DEPARTMENT COMMENTS: The department submitted and **supports** this proposal. While crab in these areas have been observed by fishers to be smaller on average, no data exists to determine whether the golden king crab populations in the Clarence Strait and Cape Ommaney areas are discrete. If the populations are discrete, it is unknown whether the smaller size composition is due to a smaller size at sexual maturity or to a younger age class inhabiting these areas. For this reason, the regulation has been used only once, in the 1992/1993 season.

COST STATEMENT: The department does not believe that approval of this proposal will result in any additional direct cost for a private person to participate in this fishery.

PROPOSAL 402, PAGE 301: 5 AAC 35.115. GUIDELINE HARVEST RANGE (LEVEL) FOR REGISTRATION AREA A.

WHAT WOULD THIS PROPOSAL DO? Change from a guideline harvest level (GHL) of 2 million pounds to a guideline harvest range (GHR) of 0–2 million pounds for the commercial Tanner crab fishery in Southeast Alaska, Registration Area A.

WHAT ARE THE CURRENT REGULATIONS? The current regulations specify a GHL of 2 million pounds.

WHAT WOULD BE THE EFFECT OF THE PROPOSAL IF ADOPTED? GHLs set below 2 million pounds would be within the regulatory GHR. This would decrease fleet confusion as to target harvest level for this fishery.

BACKGROUND: For the 1977, and 1978 seasons, a GHL of 1.75 million pounds was in regulation for the Southeast Alaska Tanner crab fishery. Beginning in 1979 this was changed to a GHR from 750,000–1 million pounds. In 1987 this was changed to a 'maximum harvest level' of 2 million pounds. At the 1999 meeting of the Board of Fisheries there was a proposal that sought to increase the maximum allowable harvest from 2.0 to 4.0 million pounds. The department opposed the proposal noting that there was limited information available to manage the Tanner fishery in Southeast Alaska and suggested that a conservative approach to management should be used until more stock assessment data was available. A compromise was achieved by changing the maximum harvest level to a GHL.

Stock assessment survey and logbook results have indicated that Tanner stocks are at their lowest level since the implementation of these programs. For this reason the Department has reduced the season length in order to conserve Tanner crab brood stock. The GHL of 2.0 million pounds has not been achieved in any of the four preceding seasons (Table 402-1). Although this fishery is currently managed by setting season length pre-season, the department intends to begin targeting appropriate pre-season GHLs (see Proposal 404), which would vary within the GHR depending on stock levels and overall status.

DEPARTMENT COMMENTS: The department submitted and **supports** this proposal.

COST STATEMENT: The department does not believe that approval of this proposal will result in any additional direct cost for a private person to participate in this fishery.

Table 402-1. Harvest and season length for the Tanner crab fishery in Southeast Alaska during recent seasons.

Season	*Core area season length, days*	*Non-core area season length, days*	*Harvest, millions of pounds*
1999/2000	8	0	1.7
2000/2001	7	0	1.3
2001/2002	6	0	0.9
2002/2003	5	10	0.8
2003/2004	5	10	0.8
2004/2005*	4	9	

*Fishery will open on February 15, 2005.

PROPOSAL 403, PAGE 301: 5 AAC 35.XXX. DESCRIPTION OF TANNER CRAB FISHING AREAS WITHIN REGISTRATION AREA A.

WHAT WOULD THIS PROPOSAL DO? This proposal would create a new regulation describing Tanner crab fishing areas within Southeast Alaska, Registration Area A.

WHAT ARE THE CURRENT REGULATIONS? There is currently no description of Tanner crab fishing areas in Registration Area A.

WHAT WOULD BE THE EFFECT OF THE PROPOSAL IF ADOPTED? It would eliminate the need to describe Tanner crab management area boundaries in Emergency Orders and News Releases.

BACKGROUND: Southeast Alaska Tanner crab fishery intensified, shortening from a season of 18 days in 1991 to 6 days in 2002. This lead to a concentration of fishing effort in 'core' or most productive fishing areas. Department data show correspondingly higher harvest rates in these 'core' relative to 'non-core' fishing areas. In order to counteract this effect by allowing the fleet to explore in non-core area and shift effort from core areas, the department has used a spatial management strategy. For the 2003 and 2004 seasons, the Southeast Tanner crab fishery was managed with a short 5-day 'core' and longer 10-day 'non-core' season length. For the 2005 season, a 4-day 'core' and 9-day 'non-core' season will be in effect.

DEPARTMENT COMMENTS: The department submitted and **supports** this proposal and believes that it will provide a useful reference for fishers on the boundaries of Tanner crab management areas. This would make spatial management strategies easier to implement

COST STATEMENT: The department does not believe that approval of this proposal will result in any additional direct cost for a private person to participate in this fishery.

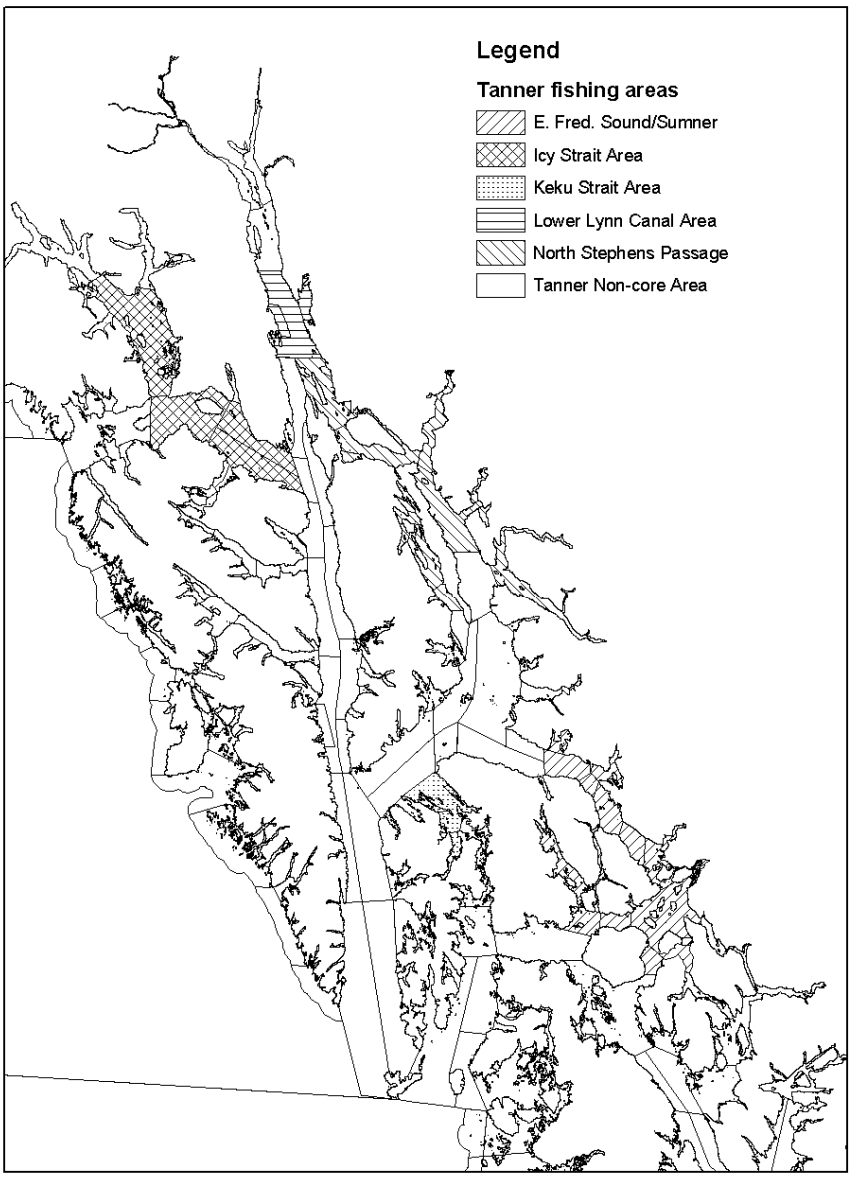

Figure 403-1. Map showing proposed Tanner crab fishing areas in Registration Area A.

PROPOSAL 404, PAGE 302: 5 AAC 35.XXX. SOUTHEAST ALASKA TANNER CRAB MANAGEMENT PLAN.

WHAT WOULD THIS PROPOSAL DO? This proposal seeks to develop a management plan for Tanner crab in Southeast Alaska, Registration Area A.

WHAT ARE THE CURRENT REGULATIONS? The current regulations governing the fishery specify harvest of males larger than 5 ½ inches (140 mm) in carapace width, a season from February 15th through May 1, and a guideline harvest level (GHL) of 2 million pounds. In addition, a gear limit of 80 pots, and gear storage, and tender requirements are described. Registration procedures for vessel and gear are in place and there is a registration deadline of 30 days prior to the season and the purchase of buoy tags is required. Logbooks are also required and the department has the option of also requiring a mandatory call in of catch data.

WHAT WOULD BE THE EFFECT OF THE PROPOSAL IF ADOPTED? The current harvest strategy for the fishery would be described in regulation as follows:

> (a) The Southeast Alaska Tanner crab fishery shall be managed consistently with the board's "Policy on King and Tanner Crab Resource Management" (90-4-FB, March 23, 1990), adopted by this reference, and according to the principles set out in this section.
> (b) The department shall close an area if the abundance of various sizes of male and female crabs is inadequate to provide for a sustained harvest.
> (c) The department shall determine an appropriate guideline harvest level before each fishing season. If population estimates are not available, then the guideline harvest level will be based on stock assessment data, historical fishery performance, and catch information. A lack of adequate information will result in biologically conservative management to reduce the risk of overharvest.
> (d) If inseason management is not possible the GHL will be targeted with a closure date pre-determined before the fishery.
> (e) In order to reduce fishing pressure in the core areas, and encourage fleet dispersion, additional fishing opportunity may be provided in the Non-core Area after core areas have closed for the season, except important red king crab habitat areas may be closed to Tanner crab fishing to prevent excessive handling of red king crab.

BACKGROUND: The Southeast Tanner crab fishery is currently managed without a comprehensive management plan and has suffered from excessive harvest pressure in traditionally productive 'core' fishing areas. As a result, stock levels have declined in recent years, increasing the risk of over harvest. The Board of Fisheries recognized this during the March 2002 meeting when it charged the department and the King and Tanner Crab Task Force (KTTF) to jointly develop a management plan and associated regulations (see Proposals 402 and 403) with major goals of reducing harvest pressure in core areas, reducing handling of non-legal crab, developing in-season management methods and estimates of abundance, and continuing conservative management. A spatial management approach using core (historically productive) and non-core areas (less productive) has been developed to encourage dispersal of the fleet into non-core areas and reduce the fishing pressure in core areas. This management approach has been used during the 2003, 2004, and 2005 commercial seasons.

The success of the core/non-core management approach used for the past three seasons is still under evaluation. While there was a decrease in the proportion of harvest coming from the core area from 90% in the 2002 to 80% in 2003 and 2004 seasons when core/non-core management strategy was used (Table 404-1) stock assessment survey results show continued declines in abundance for some core areas. The 2005

PROPOSAL 404 (continued)

season core/non-core results are not yet available. Although preliminary results of the core-non/core management are ambiguous, the department believes that a more abundance-based spatial management strategy would be successful.

Over the past three years the department has continued to conduct annual stock assessment surveys of areas that contribute significantly to the commercial harvest. The survey has been used to evaluate stock status to make fishery management decisions each year, and will eventually provide estimates of absolute abundance to set pre-season GHLs, another goal specified in the Board's charge.

The Board also requested that the department and the KTTF develop tools for in-season management. Although in-season management of the fishery has not been attempted in the past three years, a mandatory call-in program was used in 2003, 2004 seasons after the first day of harvest to test and evaluate its usefulness as an in-season predictor of overall harvest. Inseason management methods (mandatory call-ins) used during the 2003 and 2004 commercial seasons suggest that an inseason closure decision could be made after 3 fishing days on February 18th. This means that inseason management for a 7-day season with 72-hour notice of a closure is now possible. However, it is likely that this method would prove only slightly more accurate at targeting a GHL than setting the length preseason.

Table 404-1. Summary of Tanner crab core/non-core management results for 2002, 2003 and 2004 seasons, Southeast Alaska, Registration Area A.

	2001/2002		2002/2003		2003/2004	
	Core area	Non-core area	Core area	Non-core area	Core area	Non-core area
Harvest, pounds, pot fishers	838,934	96,092	638,155	163,771	648,040	163,592
Effort, # pot lifts	33,776	5,780	16,903	6,034	18,366	5,097
Effort, # permits	80	15	64	28	62	21
Percentage	90%	10%	80%	20%	80%	20%

DEPARTMENT COMMENTS: The Department submitted and **supports** this proposal. This plan describes the current management strategy and allows management to move toward targeting abundance-based GHLs. With the proposed plan, harvest pressure may be reduced by setting GHLs as low as deemed necessary to prevent exceeding an appropriate harvest rate. To some extent, this will also reduce the handling of non-legal crab.

COST STATEMENT: The department does not believe that approval of this proposal will result in any additional direct cost for a private person to participate in this fishery.

PROPOSAL 405; PAGE 303: 5 AAC 35.110. FISHING SEASONS FOR REGISTRATION AREA A.

WHAT WOULD THIS PROPOSAL DO? This proposal would change the start of the Registration Area A Tanner crab fishery to the smallest tides between February 10 and 17 each year.

WHAT ARE THE CURRENT REGULATIONS? Current regulations specify a season start of February 15 for both the Tanner and golden king crab fisheries in Registration Area A.

WHAT WOULD BE THE EFFECT OF THE PROPOSAL IF ADOPTED? This proposal would start the Tanner crab fishery on small tides and either before or after the start of the golden king crab fishery that opens on February 15, depending on the timing of the small tides, disrupting the concurrent seasons of Tanner crab and golden king crab fisheries.

BACKGROUND: The Registration Area A commercial Tanner crab season has begun on February 15 since 1989 and the fishery has been conducted concurrently with the golden king crab fishery since that season. These two fisheries have been intertwined because many of the participants hold permits in both fisheries and register for one or both each season depending on a variety of factors, including expected price, season length/stock levels and tide cycles. In addition, the same gear is often used. Pot limits are regulated such that the maximum number of pots allowed depends upon whether a permit holder registers for one or both fisheries. Maintenance of concurrent Tanner crab and golden king crab seasons is a goal of the Board's charge to the department and King and Tanner Crab Task Force to develop a Tanner crab management plan that reduces harvest pressure in core areas. The extent of harvest pressure in Tanner crab core areas is partially dependent upon how much participation exists in the golden king crab fishery by those holding permits for both fisheries. Consequently, management of the Tanner crab fishery has come to rely on some permit holders opting to fish for golden king crab, which has the benefit of reducing effort, and probably harvest pressure, in the Tanner crab fishery.

DEPARTMENT COMMENTS: The department **opposes** this proposal, as it would change only the season start date of the Tanner crab fishery in Registration Area A. This would separate the seasons starts for the golden king and Tanner crab fisheries. The present concurrent start limits effort in both fisheries by forcing dual permit holders to choose which fishery to begin with. The Board in its 2002 Charge to the Department and the King and Tanner Crab Task Force explicitly directed that the concurrent start be maintained as a management element for these fisheries.

The department would be **neutral** to changing the start date of both golden king and Tanner crab fisheries to start on small tides, which may be the intent of this proposal. As many fishers have complex seasonal fishing strategies involving short turn arounds between multiple fisheries, there would be allocative aspects of a change in season timing. The department would not oppose the language used in the proposal, provided that the language defining the golden king crab season is the same. To provide clarity, the exact starting date should be determined by well-defined criteria that do not involve annual pre-season discussion. There would be positive conservation effects in that it would reduce the incentive for crab fishers to set gear in large tides at the beginning of the season. Setting pot gear in areas of high current during large tides can result in buoys being submerged and gear being set down by a subsequent vessel. This can result in tangling of gear, gear loss, and ghost fishing. Ghost fishing of pot gear is widely considered to lead to mortality of crab and other marine fish and invertebrates.

COST STATEMENT: The department does not believe that approval of this proposal will result in any additional direct cost for a private person to participate in this fishery.

PROPOSAL 406, PAGE 304: 5 AAC 35.125. LAWFUL GEAR FOR REGISTRATION AREA A.

WHAT WOULD THIS PROPOSAL DO? This proposal would exempt Tanner crab fishers in Southeast Alaska, Registration Area A from statewide landing requirements currently in effect following the closure of a portion of the Registration Area.

WHAT ARE THE CURRENT REGULATIONS? Current regulations specify that all Tanner crab must be landed within 24 hours of the closure of all or a portion of Registration Area A unless a representative of the department is contacted and extended holding is approved.

WHAT WOULD BE THE EFFECT OF THE PROPOSAL IF ADOPTED? When a portion of Registration Area A closes to commercial Tanner crab, fishers would not be required to either land crab or obtain approval for extended holding prior to continuing to fish.

BACKGROUND: Since the 2003 season the department has been managing the Registration Area A Tanner crab fishery on a smaller spatial scale. Core and non-core fishing areas have been identified and different season lengths established preseason. Delivery requirements are currently in effect following closure of a portion of the Registration Area. To date the department has approved fishers who call in wishing to continue fishing after the closure of core fishing areas for extended holding of Tanner crab through 24 hours following the closure of the non-core Tanner crab fishing areas. However, since area closures do not always occur during office hours, obtaining extensions can be awkward. At the 2002 Board meeting, the department was given the authority to require inseason reporting for the Tanner crab fishery. This is considered to be sufficient for determining harvest location without actual landings.

DEPARTMENT COMMENTS: The department submitted and **supports** this proposal. The intent of the statewide delivery requirements is to avoid misreporting of catch location. The department believes that aerial over flights, logbook and call-in requirements currently in place for Registration Area A provide sufficient information on harvest location and date. Furthermore the department has the option of requiring mandatory catch reporting upon partial closure of the Registration Area.

COST STATEMENT: The department does not believe that approval of this proposal will result in any additional direct cost for a private person to participate in this fishery.

PROPOSAL 407, PAGE 304: 5 AAC 35.125. LAWFUL GEAR FOR REGISTRATION AREA A.

WHAT WOULD THIS PROPOSAL DO? This proposal would substitute the words 'or ring nets' for 'and ring nets' in the description of legal commercial gear for Registration Area A. It would also clarify correct escape ring placement on a Tanner crab pot.

WHAT ARE THE CURRENT REGULATIONS? The current regulation states that Tanner crab may be taken with pots and ring nets.

The current description of escape ring placement refers only to pots with vertical side walls, and does not describe relative escape ring placement, so all 4 escape rings could legally be adjacent to each other, resulting in less efficient escape of juvenile and female crabs.

WHAT WOULD BE THE EFFECT OF THE PROPOSAL IF ADOPTED? It would be clearer to the reader that either ring nets or pots may be used as commercial gear in the Tanner crab fishery. Since different gear limits apply to each gear type this would also reduce confusion over the legal gear limit.

The correct escape ring placement would be clarified and consistent with escape ring placement in king crab pots if proposal #383 were adopted.

BACKGROUND: Ring nets have been legal gear since Tanner crabs were first addressed in the commercial fishing regulations in 1960.

For pot gear, the current regulation describing escape ring placement is clear only for square pots that have vertical side walls, also there is currently no description of relative escape ring placement, thus all 4 escape rings could be adjacent to each other, resulting in less efficient escape of juvenile and female crabs. The result may be unnecessary handling of non-legal crab, which increases leg loss and mortality. Furthermore, the distance of escape rings relative to the web bar is not specified and rings that are placed too high do not function as efficiently at escaping Tanner crabs.

DEPARTMENT COMMENTS: The department submitted and **supports** this proposal as primarily housekeeping.

COST STATEMENT: This proposal would result in some cost to a few individuals with improperly placed escape rings who would be required to adjust their placement.

PROPOSAL 408, PAGE 305: 5 AAC 35.180. LAWFUL GEAR FOR REGISTRATION AREA D.

WHAT WOULD THIS PROPOSAL DO? This proposal would re-establish the escape ring requirement for the Tanner crab fishery in Yakutat, Registration Area D.

WHAT ARE THE CURRENT REGULATIONS? The current commercial gear description for Tanner crab in Registration Area D does not specify escape rings.

WHAT WOULD BE THE EFFECT OF THE PROPOSAL IF ADOPTED? When the Tanner crab fishery in Registration Area D recovers and is re-opened, fishers will be required to have escape rings in their pots. Tanner crab escape ring regulations for Registration Area D would be consistent with requirements in Registration Area A.

BACKGROUND: Two 4 ¾-inch escape rings were required for Registration Areas A and D from 1984/1985–1988/89 seasons. When escape rings were reinstated for Registration Area A at the March 2002 BOF meeting, they were not simultaneously reinstated for Registration Area D. The escape ring requirement was removed because it was argued by the fleet that escape rings did not function to escape sublegal male and female crabs over the fishery's short soak times. At this time, the department had no information on the effectiveness of escape rings over soak times shorter than 24 hours. At the time the requirement was reinstated for Registration Area A, Registration Area D Tanner crab was in a state of collapse.

DEPARTMENT COMMENTS: The department submitted and **supports** this proposal. When the Yakutat Tanner crab fishery recovers and is re-opened escape rings could help to decrease handling of sub legal and female crabs. Preliminary results of the Department's November, 2004 soak time experiments suggest that sublegal crabs begin to escape when soak times exceed 9–18 hours.

The Department notes that to be fully consistent escape rings should be required for each species and registration area. The Department suggests that the Board also consider implementing an escape ring requirement for king crab in Registration Area D.

COST STATEMENT: This proposal would result in some cost to a few individuals without escape rings in their pots that would be required to put them in.

PROPOSAL 410, PAGE 306: 5 AAC 02.120. SUBSISTENCE KING CRAB FISHERY.

WHAT WOULD THIS PROPOSAL DO? This proposal would require escape rings with a 6 ¼-inch inside diameter in subsistence king crab pots in Yakutat, Registration Area D. If there were a customary and traditional finding it would also establish an escape ring requirement for a subsistence king crab fishery for king crab in Registration Area A.

WHAT ARE THE CURRENT REGULATIONS? There is currently no gear described for the subsistence king crab fishery in Yakutat. This regulation does not apply to Southeast Alaska, Registration Area A, as there is no customary and traditional finding for king crab in Registration Area A.

WHAT WOULD BE THE EFFECT OF THE PROPOSAL IF ADOPTED? Subsistence king crabbers in Yakutat would be required to put escape rings into their pots.

BACKGROUND: Gear has never been described for the subsistence king crab fishery in Registration Area D. Subsistence king crab fisheries in Region I, which consists of Southeast Alaska, Registration Area A, and Yakutat Registration Area D, were established in 1960. Bag limits, size limits, and gear storage and buoy marking requirements were established in 1969.

DEPARTMENT COMMENTS: The department submitted and **supports** this proposal. The intent is to reduce handling of the non-legal portion of the population in the Yakutat subsistence king crab fishery. Handling of crabs, particularly repeated handling or handling of soft-shelled individuals is known to induce lethal and sub lethal effects. Many subsistence crabbers already use escape rings as it makes pulling pots easier, especially when pulling by hand.

COST STATEMENT: This proposal would result in some cost to individuals without escape rings in their pots that would be required to put them in.

PROPOSAL 411, PAGE 307: 5 AAC 77.664. PERSONAL USE KING CRAB FISHERY.

WHAT WOULD THIS PROPOSAL DO? This is a two-fold proposal. First, it would lower the bag limit for king crab in the personal use fishery in Section 15-B from 6 to 3 crabs.

Secondly, it would require that each personal use king crab pot in Southeast Alaska have two escape rings each with a 6 ¼-inch inside diameter.

WHAT ARE THE CURRENT REGULATIONS? Although the bag limit for Sections 11-A, 12-B and 15-C is 3 king crabs per day, in Section 15-B, Berners Bay, which is adjacent to Section 15-C and accessible by the Juneau road system, the bag limit is 6.

There is currently no gear description for the personal use king crab fishery in Southeast Alaska.

WHAT WOULD BE THE EFFECT OF THE PROPOSAL IF ADOPTED? Personal use king crab fishers in Berners Bay could retain only 3, not 6, king crab.

Personal use fishers in Southeast Alaska would be required to put escape rings into their king crab pots effective July 1, 2006.

BACKGROUND: The first bag limit established for subsistence red king crab was 30/person/day in 1969. The personal use king crab fishery regulations were established in 1982. The current bag limit of 6 king crab per day for the personal use fishery in Southeast Alaska was established in 1971. The bag limit for king crab in Juneau roadside-accessible Sections 11-A, 12-B and 15-C changed from 6 to 3 following the 1995 meeting of the Board of Fisheries. A permit was required for Section 11-A beginning in 1996. At this time the bag limit of Section 15-B remained unchanged. It is unclear whether this was an omission by error or intention.

Commercial harvest of red king crab in Section 15-B averages 1,078 pounds/year since the 1974/1975 season (Table 411-1).

DEPARTMENT COMMENTS: The department submitted and **supports** this proposal. The current Juneau roadside area bag limits are inconsistent; this renders their enforcement more difficult since it is not always possible to ascertain the precise location of harvest. Furthermore, Berners Bay is not an area with a large red king crab population so there is little rationale for the bag limit to exceed that of adjacent road-accessible areas.

The intent of establishing escape ring requirements is to reduce handling of non-legal portion of the population in personal use king crab fisheries. Handling of crabs, particularly repeated handling or handling of soft-shelled individuals is known to induce lethal and sub lethal effects. Many personal use crabbers already use escape rings as it makes pulling pots easier, especially when pulling by hand.

PROPOSAL 411 (continued)

Table 411-1. Commercial harvest of red king crab in Section 15-B, Berners Bay, statistical area 115-20 of Southeast Alaska, Registration Area A.

Season	*Pounds*	*Permits*	*Landings*
1974 /1975	*	1	2
1975/19 76	*	1	1
1976/1977	*	1	1
1977/1978	0	0	0
1978/1979	0	0	0
1979/1980	0	0	0
1980/1981	*	1	1
1981/1982	13,451	3	4
1982/19 83	0	0	0
1983/19 84	0	0	0
1984/19 85	0	0	0
198 –1992		Closed	
1993/1994	611	4	5
1994/1995	203	4	4
1995/19 96	0	0	0
1996/19 97	0	0	0
1997/1998	0	0	0
1998/1999	0	0	0
1999/1900	*	1	1
2001/2002	470	5	5
2002/2003	2,588	4	7
2003/2004	*	1	1
Average	1,078	1	2

*Data is confidential when less than 3 permit holders participate.

COST STATEMENT: This proposal would result in some cost to individuals without escape rings in their pots that would be required to put them in.

PROPOSAL 412, PAGE 308: 5 AAC 77.614 XX.XXX. PERSONAL USE KING CRAB FISHERY.

WHAT WOULD THIS PROPOSAL DO? The proposal would require that each personal use king crab pot in Yakutat, Registration Area D, have two escape rings with a 6 ¼-inch inside diameter.

WHAT ARE THE CURRENT REGULATIONS? There is currently no gear described for the personal use king crab fishery in the Yakutat area.

WHAT WOULD BE THE EFFECT OF THE PROPOSAL IF ADOPTED? Personal use fishers in the Yakutat area would be required to put escape rings into their king crab pots effective July 1, 2006.

BACKGROUND: The personal use king crab regulations were established in 1982. Prior to that time a subsistence king crab fishery existed in the Yakutat area. Legal personal use gear was restricted to pots, ring nets, diving gear, dip nets, and hooked or hook less hand lines in 1989.

DEPARTMENT COMMENTS: The department submitted and **supports** this proposal. The intent of establishing escape ring requirements is to reduce handling of non-legal portion of the population in personal use king crab fisheries. Handling of crabs, particularly repeated handling or handling of soft-shelled individuals is known to induce lethal and sub lethal effects. Many personal use crabbers already use escape rings as it makes pulling pots easier, especially when pulling by hand.

COST STATEMENT: This proposal would result in some cost to individuals without escape rings in their pots that would be required to put them in.

PROPOSALS 413 and 409, PAGES 306 and 308: 5 AAC 39.145. ESCAPE MECHANISM FOR SHELLFISH AND BOTTOMFISH POTS; 5 AAC 47.035. METHODS, MEANS, AND GENERAL PROVISIONS - SHELLFISH.

WHAT WOULD THIS PROPOSAL DO? Proposal 413 would describe a functional biodegradable escape mechanism for rigid mesh pots for personal use, and subsistence fisheries for crab, shrimp and groundfish. It is a statewide proposal. A companion proposal, # 409 would simplify sport fishing regulations and make proposal 413 effective for sport fisheries in Southeast Alaska as well.

WHAT ARE THE CURRENT REGULATIONS? Current regulations describe two general types of biodegradable escape mechanisms. One is a length of biodegradable twine or twine and galvanic time release device (GTR), laced and singly knotted on either end of an opening of specified length that degrades to escape crabs or shrimp from rigid framed pots webbed with twine. The other is a loop of biodegradable twine used to secure the lid of a top opening Dungeness pot.

Statewide regulations pertaining to sport fishing gear for shellfish (5 AAC 75.035) require a biodegradable escape mechanism, as described in 5 AAC 39.145, to be provided for each pot used to take shellfish. Southeast regulations (5 AAC 47.035 (d) (1) and (2)) unnecessarily duplicate the biodegradable escapement mechanism regulations found in 5 AAC 39.145.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL IS ADOPTED? Proposal 413 would implement biodegradable escape mechanism requirements for subsistence, sport, and personal use pots webbed with rigid mesh by modifying statewide regulations found in 5 AAC 39.145.

Proposal 409 would simplify regulations by eliminating a redundant regulation. There will be no substantive effect because the current Southeast Alaska regulations for shellfish are the same as the statewide regulations. However, if the Board adopts Proposal 413, the escape mechanism requirements for rigid pots would not apply to Southeast Alaska sport fisheries unless proposal 409 is also adopted.

BACKGROUND: Biodegradable escape mechanisms were first required in shellfish and bottom fish pots in 1976 for king and Tanner crab, in 1978 for Dungeness crab, in 1978 for pot shrimp. In response to research showing that lost pots without biodegradable escape mechanisms may ghost fish for a considerable period of time. Over the past 5 years, rigid mesh pots have occupied an increasing share of the market of personal use and sport crab and shrimp pots sold in South central and Southeast Alaska Regions. The currently defined escape mechanism is not appropriate for these types of pots.

DEPARTMENT COMMENTS: The Department submitted and **supports** these proposals. However, the Department requests that the Board defer consideration of these proposals until their January 2006 Southeast meeting. Prior to that time the Department will submit an Agenda Change Request (ACR) to allow simultaneous consideration of king, Tanner, shrimp, Dungeness, and groundfish escape mechanism definitions at the January 2006 meeting. This will allow a synchronous and orderly change of this regulation. Proposals mirroring the current ones will be submitted in April 2005 to allow consideration of shrimp and Dungeness escape mechanisms at this meeting.

COST STATEMENT: This proposal would result in some cost to individuals whose pots do not comply with this language.

PROPOSAL 414 Page 309, 5 AAC 35.310. FISHING SEASON FOR REGISTRATION AREA E; 5 AAC 35.320. SIZE LIMITS FOR REGISTRATION AREA E; and 5 AAC 35.325. LAWFUL GEAR FOR REGISTRATION AREA E.

WHAT WOULD THE PROPOSAL DO? The proposal would establish a commercial Tanner crab fishery in the Prince William Sound (PWS) Management Area, managed via emergency order and include a 15-pot limit, 5.5-inch minimum size, male-only harvest, and a 58-foot vessel size limit.

WHAT ARE THE CURRENT REGULATIONS? Commercial harvest of Tanner crab in PWS is closed until the Board of Fisheries adopts a harvest strategy. The Tanner Crab Harvest Strategy (5 AAC 35.080) and Policy on King and Tanner Crab Resource Management Goal and Benefits (policy 90-04-FB) provide guidance on the types of information necessary to develop crab harvest strategies.

Other current regulations specify superexclusive area registration, male Tanner crab 5.3 inches or greater in carapace width may be taken only by Tanner crab pots or ring nets and an aggregate of no more than 75 king and Tanner crab pots may be operated from a registered vessel. A Tanner crab pot must have at least four escape rings, each no less than 4.75 inches inside diameter and installed on a vertical plane. In the Eastern District, Tanner crab may be taken with pots that have tunnel eye openings that exceed five inches in one dimension.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? The department would have emergency order authority to open a commercial Tanner crab fishery with a reduced pot limit, an increased minimum legal size for Tanner crab, and a vessel size limit.

BACKGROUND: The PWS commercial Tanner crab fishery began in the late 1960's. The harvest peaked in 1972–1973 at 13.9 million pounds. Harvests decreased during the late 1970s and early 1980s, followed by district closures during 1984 and 1985. Small postrecruit fisheries during 1986 to 1988 yielded harvests of approximately 0.5 million pounds. However, catches declined dramatically in the Western District and no catches occurred in the Eastern District. Commercial fisheries for Tanner crab in PWS were closed via emergency order from 1989 to 1999 due to low numbers of legal size crab and overall low stock abundance.

The department has assessed the abundance of Tanner crab within PWS since 1977. Initial assessment surveys were conducted using pot gear, and since 1991 using trawl gear. Department surveys and commercial harvests documented the decline of Tanner crab populations within PWS.

Orca Bay and waters along the north end of Montague Island are key production areas for Tanner crab in PWS. Both areas historically provided newly mature male and female Tanner crabs. Emergency order closures were adopted to rebuild the stock and provide protection to juvenile and newly mature crabs. For example, since 1982, Tanner crab fisheries in Orca Bay were closed to all user groups with the exception of a limited area opening for subsistence harvests during 1984–1986 and 1988–1989. The north Montague area has been closed to all user groups since 1993. Despite these long-term closures, Tanner crab stocks in these areas have remained at very low levels.

Survey estimates indicate the abundance of legal male Tanner Crab in Northern and Hinchinbrook Districts decreased from 109,000 in 1993 to 24,864 in 1995, to 3,362 in 1999. The declining trend of these estimates indicates poor recruitment to legal size crab and declining abundance of old-shell recruit crabs. The low recruitment to legal size is attributable to both weak prerecruit classes and)

PROPOSAL 114 (continued

skip molting in the prerecruit-1 and smaller size classes. The 2003 Tanner crab survey abundance estimate for the traditional PWS survey stations indicated a modest increase in the prerecruit-1 and recruit classes, relative to recent surveys. However, the legal male population estimate of 15,639 Tanner crab is the fourth lowest since the trawl survey began.

The board closed all PWS Tanner crab fisheries in 1999 because department surveys indicated that stocks remained depressed and all available crab were needed to facilitate stock rebuilding. The 2003 Tanner crab survey indicates no substantive change in stock condition.

DEPARTMENT COMMENTS: The department is **opposed** to this proposal. Although standardized department surveys indicate a small increase in legal male crab abundance since 1997, and some localized aggregations exist, population estimates across the management area remain far below historical levels. Available legal male crab are needed to facilitate population rebuilding within the management area and there is no harvestable surplus of Tanner crab currently available. The department is neutral on other proposal elements such as the pot and vessel size limits. The proposed increase in minimum legal male carapace width would focus harvest pressure on the large-crab component of the population. Recent studies have indicated the importance of large crab for mating large females, the most fecund component of the population. Increasing the minimum legal male carapace width would intensify fishing mortality on a component of the population that is relatively low in abundance and biologically important to population rebuilding. The department plans to continue monitoring Tanner crab stocks with biennial surveys.

COST STATEMENT: The department believes that approval of this proposal may result in an additional direct cost for a private person to participate in this fishery. However, the extent of this cost is not known.

PROPOSAL 415 Page 309, 5 AAC 34.210. FISHING SEASONS FOR REGISTRATION AREA E; and 5 AAC 34.225. LAWFUL GEAR FOR REGISTRATION AREA E.

WHAT WILL THE PROPOSAL DO? The proposal would establish a commercial king crab fishery in the Prince William Sound (PWS) Management Area that is managed via emergency order in addition to a 15-pot limit, 7.0-inch minimum size, male-only harvest, and a 58-foot vessel size limit.

WHAT ARE THE CURRENT REGULATIONS? Current regulations prohibit the taking of king crab in PWS by all user groups until king crab stocks recover sufficiently to provide a harvestable surplus and regulations are adopted by the Board of Fisheries to reopen the fishery. The king crab harvest strategy (5 AAC 34.080) and Policy on King and Tanner Crab Resource Management Goal and Benefits (policy 90-04-FB) provide guidance on the types of information needed to develop crab harvest strategies. Current regulation (5 AAC 34.220) also specifies minimum legal male carapace widths as 7.0 inches for red and golden king crabs and 5.9 inches for blue king crab, superexclusive area registration, a guideline harvest range of 40,000–60,000 lb for golden king crab, and restricts gear to king crab pots.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? If adopted, the proposal would give the department emergency order authority to open a commercial king crab fishery with the attributes outlined above.

BACKGROUND: Although commercial harvests of king crab from PWS date to 1960, catch was not reported by species until 1979. The harvest of 296,000 pounds in the early 1970's is believed to have been primarily blue king crab. From 1979 to 1984, stocks of both blue and red king crabs declined, as evidenced by declining harvests. Fisheries for both species remained closed from the 1984–85 season to the 1991–92 season. This closure coincided with the development of the golden king crab fishery during 1982–1989. The golden king crab stock proved to be relatively small, as indicated by rapid declines in fishery catch per unit of effort and average crab weight, size, and geographic distribution. The commercial golden king crab fishery was closed in 1992, but reopened for a month during the 1994–95 season.

Historically the department has not assessed king crab in PWS. Pot surveys for Tanner crab conducted 1977–91 and trawl surveys conducted 1991 to present, provide an index of red king crab abundance and indicate the decline and continued depressed status of this species. The department does not assess blue king crab. However, in March 2004, the department began a survey to index the relative abundance and monitor the stock status of golden king crab in Western PWS. A total of 158 commercial king crab pots were fished in a systematic grid pattern throughout lower and central Knight Island Passage. Of 298 golden king crab captured, 128 were male and 170 were female. Overall, the catch of legal males totaled 96 and averaged 0.6 per pot over the survey. This catch rate is almost half the level at which the commercial fishery closed.

In 1999, the Board of Fisheries adopted regulations to close all fisheries for king crab in PWS, in part due to lack of stock status and harvest information. None of the available data suggest a change in PWS king crab stock status.

DEPARTMENT COMMENTS: The department **opposes** this proposal because available data indicate PWS king crab stocks remain depressed. The department intends to continue this survey for another year and to seek funding for additional years.

COST STATEMENT: The department believes that approval of this proposal may result in an additional direct cost for a private person to participate in this fishery. However, the extent of this cost is not known.

PROPOSAL 416, PAGE 299. 5AAC 34.325(d). LAWFUL GEAR FOR REGISTRATION AREA H; and 5 AAC 35.428 OPERATION OF OTHER GEAR IN REGISTRATION AREA H.

WHAT WOULD THE PROPOSAL DO? The proposal seeks to halt the department's bottom trawl stock assessment surveys.

WHAT ARE THE CURRENT REGULATIONS? There are currently no regulations governing stock assessment methods for crab.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? If adopted, the proposal would restrict the department's effectiveness in assessing crab stocks.

BACKGROUND: Prior to 1990, the department used pot gear to assess Cook Inlet crab. The department began using bottom trawl gear to assess Cook Inlet Area crab stocks in 1990 because it is more effective as a tool to estimate crab population abundance. Primary among the benefits as an assessment tool is that trawl gear provides a direct count of crabs encountered by the gear versus counts of crab lured into a pot by a "bait-plume" that extends down current. In addition, trawl provides the ability to estimate, via a standardized area-swept extrapolation, the biomass or abundance of crabs within an area.

DEPARTMENT COMMENTS: The Department opposes this proposal. There is no precedent for the board to restrict the department's ability to perform stock assessments.

COST STATEMENT: The department does not believe that approval of this proposal will result in an additional direct cost for a private person to participate in this fishery.

PROPOSAL 417, PAGE 310. 5 AAC 77.557. PERSONAL USE KING CRAB FISHERY.

WHAT WILL THE PROPOSAL DO? This proposal would establish a personal use king crab fishery in waters of the Prince William Sound Management Area (PWSMA) for male king crab with a carapace width of 7 inches or larger from April 15–December 31. Logbooks and permits would be required, and the number of pots would be limited to 2 pots per person. Bag and possession limits are not specified in this proposal.

WHAT ARE THE CURRENT REGULATIONS? There is no open fishing season in Prince William Sound for the personal use taking of king crab.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? If adopted, this proposal would result in an unknown harvest of male king crab 7 inches or larger on king crabs stocks that are currently depressed.

BACKGROUND: Three species of king crab are found in the PWSMA including, red, blue, and golden king crab. Commercial harvests began in the 1960's and peaked in the early 70's at 296,000 lbs of king crab (all species combined). Stocks of blue and red king crab started to decline in 1979 and the commercial fisheries for both these species were closed in 1984. Noncommercial king crab fisheries were first closed in parts of PWSMA by emergency order in 1990. Emergency Orders were issued to close noncommercial king crab fisheries seven more seasons until all king crab fisheries were closed by regulation in 1999.

Comment [cet4]: Page: 1
This statement is inaccurate. Check your emergency order records to verify.

Sport harvest of king crabs in PWSMA was low when the fishery was open. The Statewide Harvest Survey recorded a harvest in only two years with 40 and 72 king crabs harvested in 1997 and 1998 respectively. The department does not specifically access king crab stocks, but the trawl survey is used as an abundance indicator and suggests red king crab in PWSMA is depressed relative to historic levels. Additionally, blue king crab aggregations are small and widely dispersed. In March 2004, the department began a survey specifically to index the relative abundance and stock status of golden king crab in western PWS. Results from the initial year of this survey suggest that golden king crab stocks are depressed and support the department's position that there is no harvestable surplus.

Comment [cet5]: Page: 1
What meaning is this statement intended to convey?

DEPARTMENT COMMENTS: The department **OPPOSES** this proposal. Department surveys, including the trawl survey and the golden king crab pot survey conducted in 2004, indicate that king crab stocks remain below historic levels with no harvestable surplus of king crab in PWS.

COST STATEMENT: The department believes that approval of this proposal may result in an additional direct cost for a private person to participate in this fishery to purchase gear.

PROPOSAL 418, PAGE 311. 5 AAC 77.558. PERSONAL USE TANNER CRAB FISHERY.

WHAT WILL THE PROPOSAL DO? The proposal would establish a personal-use Tanner crab fishery in waters of the Prince William Sound Management Area (PWSMA) for 5.5 in. (carapace width) male Tanner crab or larger from April 15–December 31. Logbooks and permits would be required, and the number of pots would be limited to 2 pots per person. Bag and possession limits are not specified in this proposal.

Comment [cet6]: Page: 1
Tanner is always capitalized

WHAT ARE THE CURRENT REGULATIONS? Current regulations state that there is no open season in PWSMA for personal use taking of Tanner crab.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? The proposal would open a personal use Tanner crab fishery and result in an undetermined harvest of 5.5 in width male tanner crabs from stocks that are currently depressed.

BACKGROUND: The PWSMA Tanner crab commercial fishery began in 1968 with a harvest of 1.2 million lbs. and peaked in 1972 with 13.9 million lbs. Drastic declines in the commercial catch through the late 1970's and early 1980's precipitated the first commercial and noncommercial closures targeted at certain districts. Noncommercial Tanner crab fisheries were first closed in parts of PWSMA by emergency order in 1990. Emergency Orders were issued to close noncommercial Tanner crab fisheries seven more seasons until all crab fisheries were closed by regulation in 1999. The sport fishing harvest of Tanner crabs was first estimated by the ADF&G Statewide Harvest Survey in 1994. Sport harvest peaked in 1997 with 537 Tanner crabs harvested and ended with the area wide closure in 1999.

Commercial Fisheries Division has monitored Tanner crab stocks in PWSMA since 1977 with pot and trawl surveys. In 2001 the Tanner crab abundance estimate for PWSMA indicated a modest increase relative to recent surveys, particularly for the young male component of the population. However, this did not subsequently result in substantially more legal male crabs. The most recent survey in 2003 indicated a legal male population estimate that was still low (4th lowest since inception of the survey) and in order to rebuild, cannot sustain any harvest.

DEPARTMENT COMMENTS: The department **OPPOSES** this proposal. Tanner crab abundance estimates, measured by ADF&G Commercial Fisheries Division, showed in 2003 that the abundance of mature males in PWS is still at historically low levels (4^{th} lowest). Additionally, although an increasing trend in total abundance of Tanner crabs was noted in 2001, this trend did not continue into 2003 and the legal male abundance estimate has not improved significantly since its historic low in 1999. The department maintains that no harvestable surplus of Tanner crabs exists in PWS and that a sustained yield fishery is not warranted at this time.

COST STATEMENT: The department believes that approval of this proposal may result in an additional direct cost for a private person to participate in this fishery to purchase gear.

PROPOSAL 419, PAGE 312, 5 AAC 58.022(b). WATERS; SEASONS; BAG, POSSESSION, AND SIZE LIMITS; AND SPECIAL PROVISIONS IN THE COOK INLET-RESURRECTION BAY SALTWATER AREA; AND 5 AAC 77.516(1). PERSONAL USE TANNER CRAB FISHERY.

WHAT WOULD THE PROPOSAL DO? This proposal seeks to reopen the sport and personal use Tanner crab fishery in Kachemak Bay in November and December. The proposed daily bag limit would be five crab and two pots could be fished per vessel. No change from the current regulations in the size limit, sex restriction or possession limit of harvested crabs or pot limit per person is requested.

WHAT ARE THE CURRENT REGULATIONS? Currently the sport and personal use Tanner crab fisheries are closed throughout the Cook Inlet-Resurrection Bay Saltwater area because stock abundance is below harvest thresholds specified in 5 AAC 35.408 Registration Area H Tanner Crab Harvest Strategy. When stock abundance is above harvest thresholds, sport and personal use regulations in Cook Inlet-Resurrection Bay saltwater area allow a daily bag and a possession limit of 5 male Tanner crabs that are a minimum size of 5.5 inches in carapace width. East of a line from Anchor Point to Point Pogibshi open season dates are July 15 through December 31 and January 15 or the beginning of the commercial Tanner crab season (whichever is later) through March 15. In all other waters of the Cook Inlet-Resurrection Bay saltwater area open season dates are July 15 through March 31. Two pots may be fished per person with no more than two pots fished per vessel.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? Participation and harvest in the proposed fishery is unknown.

BACKGROUND: The Registration Area H Tanner Crab Harvest Strategy (5 AAC 35.408), approved by the Board in March 2002 establishes criteria for regulating the non-commercial Tanner crab fisheries in the Cook Inlet-Resurrection Saltwater area. The non-commercial fisheries in the Southern District, including Kachemak Bay, will be closed if estimates of legal male crab abundance: 1) average less than 100,000 crab for a 5 year period; 2) are less than 100,000 crab for three consecutive years; or 3) are less than 50,000 crab in any given year. Currently the Tanner crab population in Kachemak Bay meets all three conditions specified in the strategy for closure of the fishery: legal male Tanner crab abundance, estimated by trawl surveys, has been less than 100,000 crabs since 2000, the current 5 year average of legal male abundance is approximately 60,000 and the 2004 abundance estimate of legal males is approximately 35,000.

Mature female Tanner crab abundance averaged nearly 300,000 crabs annually during 2000–2004, compared to the average annual abundance over the duration of the survey (1990–2004) of 440,000. The 2000–2004 average annual abundance of functionally sexually mature male crab (carapace width >4.5 inches) is approximately 319,000 compared to the annual survey average from 1990–2004 of 625,000. Strong pre-recruit size classes have been observed in recent surveys, but it will be several years before these classes recruit to the legal male size class.

DEPARTMENT COMMENTS: The department **OPPOSES** this proposal due to the uncertainty about harvest impacts on recovery of the Tanner crab population in Kachemak Bay. The non-commercial harvest thresholds in the Registration Area H Tanner Crab Harvest Strategy are based upon the only fishery assessment information available on sustainable harvest rates; Tanner crab fishery stock models of commercial harvest impacts, and on characteristics of Tanner crab life history.

COST STATEMENT: The department does not believe that approval of this proposal may result in an additional direct cost for a private person to participate in this fishery.

PROPOSAL 420: Page 312, 5 AAC 39.690. Bering Sea/Aleutian Islands King and Tanner Crab Community Development Quota (CDQ) Fisheries Management Plan (e).

WHAT WILL THE PROPOSAL DO? This proposal would require that a Community Development Quota (CDQ) group possess a CDQ allocation equal to or greater than the sum of the crab onboard a CDQ vessel(s) operating for a CDQ group and all CDQ crab previously landed by that group during the CDQ fishery for that species. This proposal would prohibit after-the-fact transfers of CDQ crab from one CDQ group to another to cover harvest in excess of the group's CDQ allocation.

WHAT ARE THE CURRENT REGULATIONS? Current regulations do not specify when a CDQ group must possess CDQ sufficient for crab that they have harvested.

WHAT WILL BE THE EFFECT IF THE PROPOSAL IS ADOPTED? A CDQ group would not be able to receive additional quota when their allocation has been exceeded.

BACKGROUND: The Bering Sea-Aleutian Islands King and Tanner Crab CDQ Fisheries Management Plan requires that the department will calculate an overall CDQ fishery allocation based on the federal CDQ allocation and the total general fishery harvest. In addition, the department is required to calculate the amount of king and Tanner crab as specified in the federal CDQ allocation that may be taken by each CDQ group. The CDQ groups are required to manage their fishing activities so that they do not exceed their group's quota. During recent fishing seasons, some groups have exceeded their quota, counting on after-the-fact transfers of quota from other groups to take place and cover the overage. If other groups do not have available poundage to transfer, the overall CDQ quota may be exceeded.

DEPARTMENT COMMENTS: This is a department proposal. This is an FMP Category III (reporting requirements) management measure.

COST STATEMENT: Adoption of this proposal is not expected to result in an additional direct cost for the private person to participate.

PROPOSAL 421: Page 313, 5 AAC 34. King Crab Fishery; 5 AAC 35. Tanner Crab Fishery; 5 AAC 39. General Provisions.

WHAT WILL THE PROPOSAL DO? This placeholder proposal was submitted to develop new regulations and modify existing regulations in the Bering Sea and Aleutian Islands crab fisheries to implement the crab rationalization program. The Board of Fisheries convened a Crab Rationalization Task Force in 2004 to discuss the management measures listed in the proposal.

WHAT ARE THE CURRENT REGULATIONS? Current regulations pertaining to BSAI king and Tanner crab fisheries are found in 5 AAC 34, 5 AAC 35 and 5 AAC 39.

WHAT WILL BE THE EFFECT IF THE PROPOSAL IS ADOPTED: State regulations will be developed for Category II and III management measures to implement the federal crab rationalization program.

BACKGROUND: Current BSAI commercial king and Tanner crab regulations are designed to allow for management of fast paced, short duration fisheries generally targeting a single species of crab in a specific management area. Current regulations were not designed for a rationalized fishery. They do not allow for concurrent CDQ and general fishery harvest and in some cases may sacrifice efficiency for enforcement or management goals.

According to the Department of Law, the Board of Fisheries does not have authority to limit participation to IFQ holders in state waters.

DEPARTMENT COMMENTS: This is a placeholder proposal submitted by the department. The department has developed a two-tiered list of regulations or groups of regulations that the board may wish to review, modify and develop in order to implement the federal crab rationalization program. The first tier of regulations includes those regulations that the department believes must be implemented prior to the start of the IFQ crab fishery. The second tier of regulations are those that may improve efficiency and reduce costs to industry, but are not essential to implementation of the rationalization program.

The department believes that the following regulatory issues must be addressed by the board prior to implementing the federal crab rationalization program:

- Convert guideline harvest level (GHL) to total allowable catch (TAC) without inseason adjustment. Currently the department sets a GHL for each crab fishery, the GHL may be modified inseason. Under the IFQ fishery, the harvest amount must be fixed in order to allow each IFQ holder an equal opportunity to participate in the fishery and harvest their IFQ. This is an FMP Category II (guideline harvest levels) management measure.

- Modify the CDQ fishing season and establish CDQ fisheries for king crab in the Aleutian Islands. Current regulations do not allow for concurrent harvest of CDQ and the general fishery crab. During the IFQ fishery, season length may span the entire biologically acceptable harvest period thereby leaving no CDQ harvest opportunity. Since the TAC will be known in advance, the department will be able to set the CDQ allocations before any harvest has occurred. In addition, the federal crab rationalization program established an allocation of western Aleutian Islands golden king crab to the community of Adak and a CDQ fishery in the eastern Aleutian Islands golden king crab fishery. A CDQ fishery is established for red king crab in the western Aleutian Islands. These are FMP Category II (fishing seasons) and III (other) management measures.

PROPOSAL 421 (continued)

- Delete the American Fisheries Act (AFA) crab fishery management plan. Sideboards limiting the participation of BSAI pollock trawlers in other groundfish and crab fisheries were included in the AFA. The sideboards capped the crab harvest of qualified vessels at a historic level and are managed by the state. Under the IFQ crab fishery, each crab fishing vessel will be issued an IFQ limiting their harvest and the AFA crab sideboards will no longer be necessary. This is an FMP Category II (harvest limitations for AFA vessels) management measure.

- Implement a Vessel Monitoring System (VMS) requirement. Federal IFQ crab fishing regulations will require participating IFQ and CDQ vessels to be equipped with a Vessel Monitoring System that must be engaged during crab fishing operations. BSAI king and Tanner crabs are distributed across a broad geographic area and the same species may be found in more than one Registration Area. There may be cost incentives for a fisher to harvest IFQ crabs from areas with the highest catch rates. VMS installed on each participating vessel will provide a method of insuring that IFQ crab are harvested from the area in which they are issued and will allow the department to monitor gear placement and track fishing effort. This is an FMP Category II management measure.

The department believes that the following issues are those that the board may wish to address to improve efficiency and fine-tune the federal crab rationalization program.

- Review existing fishing seasons (FMP Category II (fishing seasons) management measure).

- Review structure of fishing seasons to permit concurrent harvest of multiple species (FMP Category II (fishing seasons) management measure). The department proposes to move the boundary in the Bering Sea *C. bairdi* harvest strategy to facilitate concurrent harvest with Bristol bay red king crab and snow crab.

- Review existing pot limits (FMP Category II (pot limits) management measure).

- Modify gear placement and removal requirements (FMP Category III (gear placement and removal) management measure).

- Modify operation of other gear regulations (FMP Category III (other) management measure).

- Review lawful gear and bycatch reduction measures (FMP Category III (gear modifications) management measure).

- Observers: Modify coverage levels. Regulations currently state that ADF&G may require onboard observer coverage on all catcher-processor and floater-processor vessels and on an adequate number of catcher-vessels for the purpose of collecting essential biological and fishery data needed to effectively manage the BSAI crab fisheries.

  At the 1999 meeting, the BOF appointed a Crab Observer Oversight Task Force (COOTF) made up of industry members as advisory to the department. The COOTF advises the department on the level of observer coverage.

PROPOSAL 421 (continued)

The IFQ crab fisheries will be prosecuted over longer periods of time eliminating the race for fish. The predictability of the fleet's fishing behavior will decrease, and the fleet will have more flexibility in determining when and where to fish, introducing greater variation in fishing practices. The department is responsible for characterizing fishing practices of the BSAI crab fleet and collecting fishery bycatch data under the IFQ fishing regime.

- Modify landing requirements (FMP Category III (other) management measure).
- Modify gear marking requirements (FMP Category III (other) management measure).
- Review registration areas (FMP Category II, Registration Areas).

COST STATEMENT: Implementation of certain portions of the crab rationalization program may result in increased direct costs for the private person to participate.

PROPOSAL 422: Page 314, 5 AAC 34.925. Lawful gear for Registration Area Q; 5 AAC 34.825. Lawful gear for Registration Area T.

WHAT WILL THE PROPOSAL DO? This proposal seeks to modify existing pot limits for six of the crab fisheries included in the federal crab rationalization program.

WHAT ARE THE CURRENT REGULATIONS? Current regulations specify individual vessel pot limits for six crab fisheries included in the rationalization program. These pot limits are summarized in the following table:

	Maximum number of pots per vessel	
	<= 125' Overall length	> 125' Overall length
Bristol Bay red king crab	60 to 200	75 to 250
Petrel Bank red king crab [1]	40	50
Pribilof District red and blue king crab	40	50
Saint Matthew Island Section blue king crab	60	75
Bering Sea snow crab	70 to 200	90 to 250
Bering Sea Tanner crab	200	250

[1] Up to 1,250 pots total in the fishery.

WHAT WILL BE THE EFFECT IF THE PROPOSAL IS ADOPTED: Pot limits for Bering Sea snow crab, Bristol Bay red king crab, Saint Matthew Island Section blue king crab, Pribilof District red and blue king crab, and Bering Sea Tanner crab would be set at the current maximum level for vessels greater than 125 feet in overall length and allow for slightly larger pot limits depending on the amount of IFQ on a vessel or it's cooperative affiliation. Differential pot limits based on vessel size would be eliminated from these fisheries. Pot limits would be reduced when more than 150 vessels are registered in a given fishery. The proposal also seeks to implement a regulation limiting the amount of time that crab pot gear may remain on the grounds unattended to 10 days.

BACKGROUND: Pot limits for the BSAI crab fisheries were first established by the Board of Fisheries in 1992. Pot limits were established in an attempt to reduce the total number of pots on the grounds in a manner that would slow the pace of certain BSAI crab fisheries, to reduce pot loss and to reduce gear conflicts with other fisheries. The "derby" style fisheries that developed in the late 1980s were difficult for the department to manage and pot limits were set to provide the department with a season length long enough to gather inseason catch data and make accurate projections of the season closure date.

Pot loss typically occurs through interaction with other vessels or gear, or through contact with sea ice. Pot loss can be high when crab vessels are fishing in close proximity to one another in areas of highly concentrated fishing such as on the Petrel Bank. Pot loss can also occur when crab pots are set in areas that may be fished by trawl vessels or traveled by ocean-going freighters. A third major source of pot loss is through interaction with sea ice. The sea ice edge can advance at up to 40 miles per day and vessels that may be off the grounds delivering crab or using several deck loads of gear may not be able to quickly respond to rapidly moving sea ice. In 1988, the department established an emergency pot storage area and closed the Bering Sea snow crab fishery for six weeks due to rapidly advancing sea ice. In 1991, over 20,000 snow crab pots were covered by quickly moving sea ice.
Prior to the implementation of pot limits, it was estimated that there were more than 100,000 pots deployed in BSAI crab fisheries and that pot loss approached 20% in some years. Informal surveys of crab pot

PROPOSAL 422 (continued)

manufacturers in 1991 indicated that of 36,000 new pots being built at that time, over 20,000 of them were intended to replace post lost in the prior year.

Recent crab fisheries in the Bering Sea have been prosecuted with 20,000 to 45,000 pots and pot loss is believed to have diminished since the early 1990s. Using observer data, the department currently estimates pot loss at less than 5% for most BSAI crab fisheries. Pot loss has likely decreased in conjunction with decreased snow crab season length. Recent snow crab fisheries have exposed the fleet to less sea ice than was encountered in the late 1980s and early 1990s.

DEPARTMENT COMMENTS: The department opposes the elimination of pot limits in these six BSAI crab fisheries. The department supports pot limits for these six IFQ crab fisheries, but does not have adequate information on post rationalization fleet size, expected fishing pattern, or temporal distribution of effort to make specific recommendations. Pot limits are a Category II (pot limits) management measure).

In the IFQ crab fishery, the department will not be performing traditional inseason management by gathering catch data inseason to project a season closure date. The department will be monitoring the harvest and each IFQ holder will insure that they do not exceed their IFQ. Under the IFQ fishery, the department will no longer need pot limits as a tool to increase season length for inseason management.

Season length is expected to increase under the IFQ fishery exposing crab pot gear to increased contact with sea ice and interaction with vessels and gear from other fisheries. The board may wish to consider pot limits that would increase the ability of fishers to respond to quickly changing sea ice conditions and vessel traffic.

In crab fisheries where small TACs are likely, it is possible that vessels using large numbers of pots could operate enough gear to catch the entire TAC or more than the TAC in one gear operation cycle. This could lead to unnecessary discards of legal crabs and handling mortality.

Pot limits should be designed to provide an adequate amount of soak time for escape mechanisms to be effective. Soak times of at least 48 hours are more likely to provide an opportunity for escape mechanisms to work than shorter soak times.

COST STATEMENT: If adopted, this proposal is not expected to result in any additional direct costs for the private person to participate.

PROPOSAL 423: Page 316, 5 AAC 34.625. Lawful Gear For Registration Area O.

WHAT WILL THE PROPOSAL DO? This proposal would implement pot limits in the eastern and western Aleutian Islands golden king crab fishery. Limits of 800 pots per vessel are proposed for the area east of 174° W long. and 1,200 pots per vessel are proposed for the area west of 174° W long.

WHAT ARE THE CURRENT REGULATIONS? There is currently no pot limit in this fishery.

WHAT WILL BE THE EFFECT IF THE PROPOSAL IS ADOPTED? Pot limits for the Aleutian Islands golden king crab fishery will be set at a level slightly above the average number of pots currently used.

BACKGROUND: The Aleutian Islands golden king crab fishery is prosecuted by relatively few vessels compared to other major crab fisheries and effort is distributed across a broad geographic area. Pots are longlined with up to 80 pots per string and vessels set multiple strings of pots that cover many different depths and miles of ocean floor. The ends of the strings are marked with clusters of buoys, but due to the distance between ends of the string and strong tides, the buoys are not always visible and strings are often tangled as other vessels lay their groundlines across each other. Pots are often lost when the groundline breaks, but most fishermen make an effort to recover the gear, especially when additional pots are on the groundline. Observer data on lost pots from the past five years indicates that approximately 2% or an average of 400 pots a year are lost. In this fishery vessel operators use more pots per vessel than in any other Bering Sea or Aleutian Islands crab fishery managed under the FMP. In portions of the Aleutian Islands, gear is heavily concentrated and conflicts between fishers occur, however not all grounds known to support golden king crab are currently fished and more remote or less productive grounds are less utilized.

Pot gear soak times in the Aleutian Islands golden king crab fishery are currently much longer than in other BSAI crab fisheries. Recent observer data indicates that the average soak time for golden king crab pots fished west of 174° W long. is over 12 days. East of 174° W long. soak times average just over four days.

Several petitions requesting the establishment pot limits in the Aleutian Islands golden king crab fishery have recently come before the BOF. Previous petitions were submitted outside of the regular BOF cycle for statewide king and Tanner crab proposals and were determined by the BOF to not represent an emergency requiring immediate action by the BOF.

In the eastern Aleutian Islands fishery, the average number of pots used per vessel has remained stable for the past five seasons at just under 700 pots. In the western Aleutian Islands fishery, the average number of pots has increased 62% in the past five years to slightly over 1,200 pots per vessel.

DEPARTMENT COMMENTS: The department is neutral on pot limits in the Aleutian Islands golden king crab fishery. During the IFQ fishery, gear conflicts are expected to decrease as season length increases and the fleet is consolidated. The department does not have information on expected soak times during the IFQ fishery for golden king crabs in the Aleutian Islands and the department does not support measures that may reduce soak times in this fishery. Pots should soak at least several days for escape mechanisms to be effective. To effectively evaluate pot limits for the IFQ Aleutian Islands golden king crab fishery, the department needs to gather information on IFQ fishery fleet size, distribution of fishing effort, and fishing patterns. Sea ice is not a concern in this area. Because pot gear is longlined the interaction with vessel traffic is reduced. Pot limits are a Category II (pot limits) management measure).

COST STATEMENT: Adoption of this proposal will result in an additional direct cost for the private person to participate at the current rate of $2.00 per buoy tag annually.

PROPOSAL 424: Page 317, 5 AAC 34.625. Lawful Gear For Registration Area O; 5 AAC 34.825. Lawful Gear For Registration Area T; 5 AAC 34.925. Lawful Gear For Registration Area Q; 5 AAC 35.525. Lawful Gear For Registration Area J.

WHAT WILL THE PROPOSAL DO? This proposal seeks to eliminate pot limits in the Bristol Bay red king, Saint Matthew Island Section blue king, Pribilof District red and blue king, Aleutian Islands red king, Bering Sea snow, and Bering Sea Tanner crab fisheries.

WHAT ARE THE CURRENT REGULATIONS? Current regulations specify individual vessel pot limits for the six crab fisheries included in this proposal. These pot limits are summarized in the following table:

	Maximum number of pots per vessel	
	<=125' Overall length	> 125' Overall length
Bristol Bay red king crab	60 to 200	75 to 250
Petrel Bank red king crab [1]	40	50
Pribilof District red and blue king crab	40	50
Saint Matthew Island Section blue king crab	60	75
Bering Sea snow crab	70 to 200	90 to 250
Bering Sea Tanner crab	200	250

[1] Up to 1,250 pots total in the fishery.

WHAT WILL BE THE EFFECT IF THE PROPOSAL IS ADOPTED? Fishers participating in the six crab fisheries mentioned in this proposal would be able to use an unlimited number of pots.

BACKGROUND: Pot limits for the BSAI crab fisheries were first established by the board in 1992. Pot limits were established in an attempt to reduce the total number of pots on the grounds in a manner that would slow the pace of certain BSAI crab fisheries, to reduce pot loss and to reduce gear conflicts with other fisheries. The "derby" style fisheries that developed in the late 1980s were difficult for the department to manage and pot limits were set to provide the department with enough season length to gather inseason catch data and make accurate projections of the closure date.

Pot loss typically occurs through interaction with other vessels or gear, or through contact with sea ice. Pot loss can be high when crab vessels are fishing in close proximity to one another in areas of highly concentrated fishing such as on the Petrel Bank. Pot loss can also occur when crab pots are set in areas that may be fished by trawl vessels or traveled by ocean-going freighters. A third major source of pot loss is through interaction with sea ice. The sea ice edge can advance at up to 40 miles per day and vessels that may be off the grounds delivering crab or using several deck loads of gear may not be able to quickly respond to rapidly moving sea ice. In 1988, the department established an emergency pot storage area and closed the Bering Sea snow crab fishery for six weeks due to rapidly advancing sea ice. In 1991, over 20,000 snow crab pots were covered by quickly moving sea ice.

Prior to the implementation of pot limits, it was estimated that there were more than 100,000 pots deployed in BSAI crab fisheries and that pot loss approached 20% in some years. Informal surveys of crab pot manufacturers in 1991 indicated that of 36,000 new pots being built at that time, over 20,000 of them were intended to replace post lost in the prior year.

Recent major crab fisheries in the Bering Sea have been prosecuted with 20,000 to 45,000 pots and pot loss is believed to have diminished since the early 1990s. Using observer data, the department currently

PROPOSAL 424 (continued)

estimates pot loss at less than 5% for most BSAI crab fisheries. Pot loss has likely decreased in conjunction with decreased snow crab season length. Recent snow crab fisheries have exposed the fleet to less sea ice than was encountered in the late 1980s and early 1990s.

DEPARTMENT COMMENTS: The department opposes the elimination of pot limits in these six BSAI crab fisheries. The department supports pot limits for these six IFQ crab fisheries, to reduce gear loss, but does not have adequate information on post rationalization fleet size, expected fishing pattern, or temporal distribution of effort to make specific recommendations. Pot limits are a Category II (pot limits) management measure.

In the IFQ crab fishery, the department will not be performing traditional inseason management by gathering catch data inseason to project a season closure date, rather the department will be monitoring the harvest and each IFQ holder will insure that they do not exceed their IFQ. Under the IFQ fishery, the department will no longer need pot limits as a tool to increase season length for inseason management purposes.

Season length is expected to increase under the IFQ fishery exposing crab pot gear to increased contact with sea ice and interaction with vessels and gear from other fisheries. The board may wish to consider pot limits that would increase the ability of fishers to respond to quickly changing sea ice conditions and vessel traffic.

In crab fisheries where small TACs are likely, it is possible that vessels using large numbers of pots could operate enough gear to catch the entire TAC or more than the TAC in one gear operation cycle. This could lead to unnecessary discards of legal crabs and handling mortality.

Pot limits should be designed to provide an adequate amount of soak time for escape mechanisms to be effective. Soak times of longer than 48 hours are more likely to provide an opportunity for escape mechanisms to work than shorter soak times.

COST STATEMENT: If adopted, this proposal is not expected to result in any additional direct costs for the private person to participate.

PROPOSAL 425: Page 318, 5 AAC 34.810. Fishing Seasons for Registration Area T.

WHAT WILL THE PROPOSAL DO? This proposal seeks to modify the Bristol Bay red king crab season opening and closing dates to allow for an opening on October 15 and a regulatory closure on March 1.

WHAT ARE THE CURRENT REGULATIONS? Currently the Bristol Bay red king crab fishery opens at 4:00 PM October 15 and remains open until it is closed by emergency order. There is no closure date specified in regulation.

WHAT WILL BE THE EFFECT IF THE PROPOSAL IS ADOPTED? If adopted, this proposal would allow commercial fishing for red king crabs in Bristol Bay from October 15 until March 1.

BACKGROUND: Current fishing seasons are set to maximize the reproductive potential of BSAI crab stocks by protecting crab during spawning and pre-spawning aggregations, avoiding fishing during molting and during biologically sensitive soft shell periods, minimizing bycatch, and reducing deadloss. Seasons are set to maximize fleet efficiency, provide the greatest economic yield, minimize industry costs, and to reduce conflicts with other fisheries. Recent fishing seasons in Bristol Bay have been five days or less in duration and have not exceeded 10 days in duration since 1990.

DEPARTMENT COMMENTS: The department is opposed to this proposal. Biological data suggests that red king crab in Bristol Bay begin to molt and form pre-spawning aggregations in late January. Male red king crabs in Bristol Bay are typically finished molting in May. Fishing when pre-spawning aggregations are present could lead to increased bycatch and handling mortality of female red king crabs. Harvest of crabs that have begun to molt could lead to reduced product quality and increased handling mortality.

The department supports a Bristol Bay red king crab season extending from October 15 to January 15. The department's proposed season represents a significant increase in season length over the pre-IFQ fishery. This is an FMP Category II (fishing seasons) management measure.

COST STATEMENT: If adopted, this proposal is not expected to result in any additional direct costs for the private person to participate.

PROPOSAL 426: Page 319, 5 AAC 34.051. King crab gear marking requirements; and 5 AAC 35.051 Tanner crab gear marking requirements.

WHAT WILL THE PROPOSAL DO? This proposal would allow vessels participating in a BSAI crab fishing cooperative to operate the gear of each vessel that is a member of the cooperative.

WHAT ARE THE CURRENT REGULATIONS? Current regulations require that at least one buoy attached to a king or Tanner crab pot must be marked with the ADF&G number of the vessel operating that gear. Each buoy may only bear a single ADF&G number. In Registration Areas where pot limits are in effect, the main or trailer buoy of each pot must also bear a department issued tag. The tags are uniquely numbered to each vessel. Current regulations allow the operation of pot gear by a vessel whose ADF&G number is not marked on the buoy only under conditions of a permit issued by ADF&G when a vessel has been mechanically disabled or has sunk.

WHAT WILL BE THE EFFECT IF THE PROPOSAL IS ADOPTED? Vessels registered and actively participating in a BSAI crab fishing cooperative may operate the crab pot gear of other vessels that are registered and actively participating in the same cooperative.

BACKGROUND: Current gear marking requirements serve multiple functions. The requirement that each buoy bear only the ADF&G number of the vessel operating that gear is an aid in the prevention of gear theft, is a deterrent to the theft of crab from fishing pots and deters gear operation by unauthorized individuals. Buoy tags and marking with ADF&G numbers are the primary methods used to enforce the pot limits that were established by the board in 1992.

DEPARTMENT COMMENTS: The department does not believe that implementation of the IFQ crab fishery will eliminate the concerns over the theft of crab pots and unauthorized operation of pot gear that are partially responsible for the existing gear marking requirements, however adoption of this proposal could further the goals of the crab rationalization program by improving efficiency and lowering costs for vessels participating in a registered crab fishing cooperative.

The department supports this proposal under the following conditions:

- Each crab fishing cooperative must register with NMFS RAM Division.
- Each crab fishing cooperative must register with ADF&G.
- A vessel may not participate in more than one crab fishing cooperative at a time.
- Each crab pot deployed by a crab fishing cooperative must bear the ADF&G number of the vessel that registers the gear.
- A vessel in a crab fishing cooperative may operate and transport crab pots of other registered and active vessels in the cooperative.
- A vessel is considered to be active in a crab fishing cooperative by registering with the department and VMS verification of the vessel in the registration area.
- When a vessel transports pots to the fishing grounds for another vessel in the crab fishing cooperative, the vessel owning the gear must be in the registration area within four days of crab pot deployment.
- A vessel's crab pot gear may only be deployed if the vessel is actively participating in harvesting species in the applicable area.
- Each pot in a cooperative must affix a buoy tag issued annually by the department.

This is an FMP Category III (gear placement and removal, other) management measure.

COST STATEMENT: If adopted, this proposal is not expected to result in any additional direct costs for the private person to participate.

PROPOSAL 427: Page 319, 5 AAC 34.906 Area Q Registration.

WHAT WOULD THE PROPOSAL DO? Prevent a Norton Sound red/blue king crab CFEC permit holder from being a crew member on another Norton Sound red/blue king crab boat in the same season.

WHAT ARE THE CURRENT REGULATIONS? Under section (c) of 5 AAC 34.906. **Area Q Registration.** Before a vessel may be registered under this section, the vessel operator must first obtain a valid CFEC interim-use permit that references the vessel's ADF&G license number. There are no regulations preventing a CFEC permit holder from being a crew member on another vessel.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL IS ADOPTED? Owners of more than one vessel in the Norton Sound red/blue king crab fishery would need to hire either an additional skipper or an additional crew member.

BACKGROUND: Under the current regulations vessels under 125' are limited to 40 pots in the Norton Sound red/blue king crab fishery. At least one vessel owner/operator has purchased a second vessel, which allows him to fish 80 pots by acting as a crewmember on the second vessel.

DEPARTMENT COMMENTS: The Department is **NEUTRAL** on this proposal due to its allocative nature.

COST STATEMENT: Approval of this proposal may result in an additional direct cost for a private person to participate in this fishery only in the case where that person owns more than one vessel in the fishery.

PROPOSAL 428: Page 320, 5 AAC 34.905(c) Description of Registration Area Q Districts.
Amend this regulation as follows**:**

(c)(1) Norton Sound Section: waters north of the latitude of Cape Romanzof (61 ^{O} 49' N. lat.), and south of the latitude of (66 ^{O} N. lat.).

Kotzebue Sound section: all remaining waters of the district.

WHAT WOULD THE PROPOSAL DO? Divide the Norton Sound Section (Q3) and the St Lawrence Island Section (Q4) into two new sections at 66^{O} north latitude.

WHAT ARE THE CURRENT REGULATIONS? **5 AAC 34.905(c) Description of Registration Area Q** (c) Northern District: waters of Registration Area Q north of the latitude of Cape Newenham (58 ^{O} 39' N. lat.).

(1) Norton Sound Section: waters east of 168 ^{O} W. long., north of the latitude of Cape Romanzof (61 ^{O} 49' N. lat.), and south of the latitude of Cape Prince of Wales (65 ^{O} 36' N. lat.);

(2) Saint Lawerence Island Section: all remaining waters of the district.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL IS ADOPTED? Owners of Norton Sound red/blue king crab permits would be able to expand their fishery into all of Section Q4 south of 66^{O} north latitude. As written, the area of Section Q4 south of 66^{O} north latitude would become part of the Norton Sound superexclusive registration area.

BACKGROUND: Some Norton Sound red/blue king crab fishermen want to expand their fishing area.

DEPARTMENT COMMENTS: The Department is **NEUTRAL** on this proposal due to its allocative nature.

COST STATEMENT: Approval of this proposal may result in an additional direct cost for a private person to participate in this fishery. This would occur in the case where a person who could previously fish in Section Q4 and other areas (for example Q1 or T) would now be subject to the superexclusive provision in the present Section Q3 regulations.

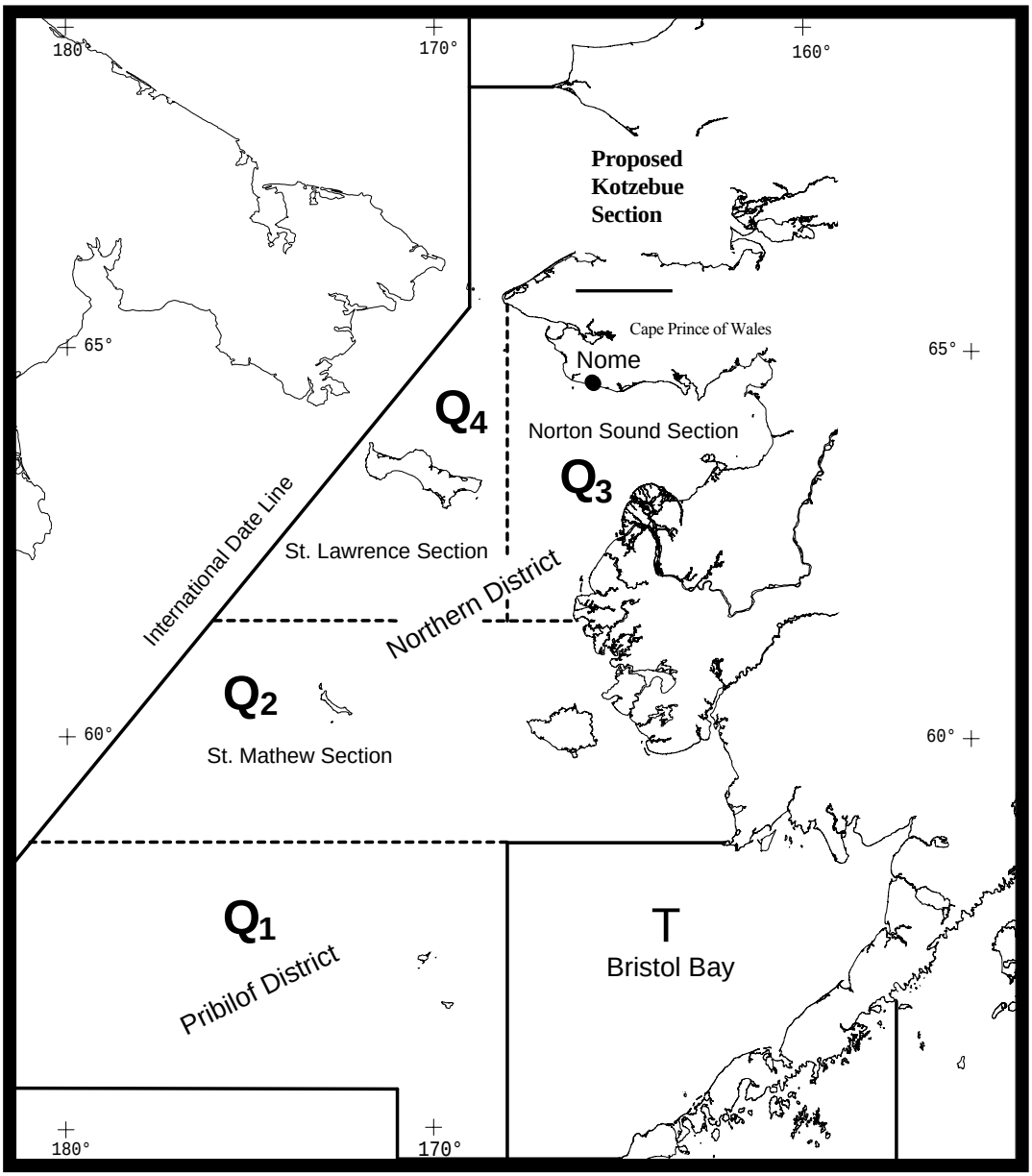

Figure 428-1. King crab fishing districts and sections of statistical Area Q showing the proposed Kotzebue Section. The remainder of sections Q3 and Q4 would be combined into a new Norton Sound Section.

PROPOSAL 429: Page 320, 5 AAC 34.941. Landing requirements for Registration Area Q.

WHAT WOULD THE PROPOSAL DO? Require all Norton Sound crabbers that deliver in state waters to hold a federal LLP.

WHAT ARE THE CURRENT REGULATIONS? CFEC permit holders operating vessels under 32 feet are not required to hold a federal LLP to deliver crab in the Norton Sound Section (Q3).

WHAT WOULD BE THE EFFECT IF THE PROPOSAL IS ADOPTED? Adoption of this proposal would make a state regulation eliminating the exemption provided to Norton Sound king crab vessels under 32' in the federal LLP program.

BACKGROUND: Some Norton Sound red/blue king crab fishermen want to limit their competition.

DEPARTMENT COMMENTS: The Department is **NEUTRAL** on this proposal due to its allocative nature. The exemption to the federal LLP program was made to benefit local fishers.

COST STATEMENT: Approval of this proposal may result in an additional direct cost for a private person to participate in this fishery. This would occur in the case where a person who presently participates in the fishery under the exemption provided to Norton Sound king crab vessels under 32' being required to obtain a federal LLP.

PROPOSAL 430: Page 321, 5 AAC 34.910(f). Fishing seasons for Registration Area Q.
Change the red/blue king crab summer season dates in the St. Lawrence Section (Q4) from 12:00 noon August 1 through September 3 to from 12:00 noon June 15 through August 1.

WHAT WOULD THE PROPOSAL DO? This proposal would provide for an earlier summer red/blue king crab season in the St. Lawrence Section (Q4) from 12:00 noon June 15 through August 1.

WHAT ARE THE CURRENT REGULATIONS? **5 AAC 34.910. Fishing seasons for Registration Area Q.**

(f) in the St. Lawrence Section,

(1) male red and blue king crab may be taken only as follows:

(A) from 12:00 noon August 1 through September 3 (summer season); and

WHAT WOULD BE THE EFFECT IF THE PROPOSAL IS ADOPTED? The fishing season in the St. Lawrence Section would open six weeks earlier and close four weeks earlier.

BACKGROUND: Some potential Kotzebue based king crab fishermen believe an earlier opening date would allow them access to a higher percentage of male red king crab during a period when weather conditions are more favorable to smaller vessels.

DEPARTMENT COMMENTS: The Department is **OPPOSED** to this proposal as written. The Department would prefer a July 1 opening date to coincide with the Norton Sound Section (Q3) opening. If Proposal 428 changing the Registration Q boundaries is adopted there would be no objection to the proposed June 15 opening date for the proposed Kotzebue Section because there is little likelihood Kotzebue fishers would deliver in the Norton Sound Section (Q3). The Department sees no necessity of an August 1 closure. As the Department has little information on the crab biomass in the present St. Lawrence Island Section, it is urged that a conservative guideline harvest level be established.

COST STATEMENT: Approval of this proposal would not result in an additional direct cost for a private person to participate in this fishery.

PROPOSAL 431: Page 322, 5 AAC 77.114. Personal use king crab fishery; 5 AAC 77.116. Personal use Tanner crab fishery.
Repeal these regulations.

WHAT WOULD THE PROPOSAL DO? Repeal the personal use regulations and require all participants to obtain a subsistence permit.

WHAT ARE THE CURRENT REGULATIONS? In the Norton Sound-Port Clarence Area personal use king crab fishery there is no closed season, and no daily bag and possession limits for male king crab. In the Norton Sound-Port Clarence Area personal use Tanner crab fishery there is no closed season, and no daily bag and possession limits for male Tanner crab.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL IS ADOPTED? Adoption of this proposal would eliminate the personal use king and tanner crab fisheries.

BACKGROUND: A Norton Sound king crab fishermen cited for not having a subsistence permit claimed he was fishing under personal use regulations.

DEPARTMENT COMMENTS: The Department supports this staff proposal. Adoption of this proposal would assist in enforcement of regulations. All state residents may participate in the subsistence king and tanner crab fisheries. Therefore, there is no need for a personal use fishery.

COST STATEMENT: Approval of this proposal would not result in an additional direct cost for a private person to participate in this fishery.

PROPOSAL 433: Page 323, 5 AAC 35.053. OPERATION OF OTHER POT GEAR (1).

WHAT WILL THE PROPOSAL DO? This proposal would modify the post-fishery stand down provisions for the Kodiak District commercial Tanner crab fishery. A person or vessel that participated in the commercial Tanner crab fishery in the Kodiak District would be allowed to fish for subsistence Tanner crab in a closed section of the Kodiak District provided the section was closed for a period of at least 14 days, and provided that the vessel was no longer registered for the Kodiak District commercial Tanner crab fishery.

WHAT ARE THE CURRENT REGULATIONS? A person or vessel that participates in the commercial Kodiak District Tanner crab fishery may not participate in any pot fishery, including the subsistence Tanner crab fishery, until 14-days after all Tanner crab sections in the district are closed to commercial fishing. Vessels may participate in other commercial pot fisheries after Tanner crab gear is placed in storage and invalidation of the Tanner crab registration.

Subsistence Tanner crab fishing is open year-round in the entire district. A subsistence permit for crab is required. The possession limit is 12-per person. Commercial fishermen may retain crab for their own use from their lawfully taken commercial catch.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? A person or vessel that discontinued commercial Tanner crab fishing prior to the closure of the entire district would be allowed to participate in a subsistence crab fishery in those sections of the Kodiak District closed for 14-days to commercial Tanner crab fishing.

BACKGROUND: The 14 day post-fishery stand down provision is a statewide requirement. The regulation is intended to eliminate enforcement issues of mixing crab captured in the subsistence fishery with crab from the commercial fishery.

DEPARTMENT COMMENTS: The department is neutral on this proposal.

COST STATEMENT: Adoption of this proposal is not expected to result in an additional direct cost for the private person to participate.

PROPOSAL 434: Page 323, 5 AAC 02.420. SUBSISTENCE KING CRAB FISHERY (1).

WHAT WILL THE PROPOSAL DO? This proposal would increase the subsistence annual household limit for king crab in the Kodiak Area from three to 10 king crab per household.

WHAT ARE THE CURRENT REGULATIONS? The household annual limit is three king crab. King crab harvested for subsistence must be equal to or greater than seven inches in carapace width, and only one pot may be used. The open season is from June 1 through January 31.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? Each subsistence household could take up to seven more king crab per year under subsistence fishing regulations.

BACKGROUND: There are three species of king crab in the Kodiak Management Area: red, blue, and golden. Historically red king crab were the most abundant. The commercial red king crab fishery was closed in 1983 and has not reopened. Recruitment failures caused the closure and no notable recruitment has occurred since. Golden king crab are found in limited quantities. Blue king crab occurs in Olga Bay.

In 1996 the Board reduced the subsistence daily bag and possession limit from six king crab per person to three king crab per household per year based on conservation concerns of low stock abundance. The king crab resource has not rebounded and remains at very low levels. Since 1997, the reported harvest of king crab has averaged less than one king crab per permit per year.

DEPARTMENT COMMENTS: The department opposes this proposal for conservation reasons.

COST STATEMENT: Adoption of this proposal is not expected to result in an additional direct cost for the private person to participate.

SUBSISTENCE REGULATION REVIEW:

1. Is this stock in a non-subsistence area? No.
2. Is the stock customarily and traditionally taken or used for subsistence? Yes. The Board has made a positive customary and traditional use finding for Kodiak Area king crab (5 AAC 02.466 (1))
3. Can a portion of the stock be harvested consistent with sustained yield? Yes, but due to low stock abundance, harvests must be limited.
4. What amount is reasonably necessary for subsistence use? The Board has not made an "amount reasonably necessary finding" (ANS) finding for Kodiak king crab due to low stock abundance. Staff recommends that an ANS finding be postponed until stocks rebound and subsistence regulations can be thoroughly evaluated.
5. Do the regulations provide a reasonable opportunity for subsistence use? The Board must make this determination.
6. Is it necessary to reduce or eliminate other uses to provide a reasonable opportunity for subsistence use? Due to low abundance, the subsistence fishery is the only use presently authorized.

PROPOSAL 435: Page 324, 5 AAC 02.4XX. PROHIBITIONS FOR USE OF SUBSISTENCE TAKEN SHELLFISH.

WHAT WILL THE PROPOSAL DO? This proposal would specify that an owner, operator or employee of a lodge, charter vessel, or enterprise that furnishes services to a client or guest may not furnish subsistence taken shellfish to the guest or client, unless the shellfish is taken by the guest in a manner specified in this proposal.

WHAT ARE THE CURRENT REGULATIONS? A permit issued by the department is required for all subsistence crab fishermen. Buoys attached to unattended subsistence pots must be marked with name and address of the subsistence fisherman and the name of vessel.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? If adopted, regulations would clearly state that each subsistence fisherman would be setting and retrieving subsistence pots with proper markings and permits. Charter owners and operators could not set their own subsistence gear when the vessel is under charter.

BACKGROUND: Many hunters that utilize guide services also obtain shellfish subsistence permits. This proposal will clarify the roles of client and commercial operators in the subsistence harvest of shellfish. The department has received complaints regarding charter enterprises furnishing subsistence gear to their clients. This proposal would clarify that subsistence crab fishermen must set and retrieve properly marked gear. The proposed regulatory language is similar to regulation previously adopted for Southeast Alaska.

DEPARTMENT COMMENTS: This is a staff proposal.

COST STATEMENT: Adoption of this proposal is not expected to result in an additional direct cost for the private person to participate.

SUBSISTENCE REGULATION REVIEW:
1. Is this stock in a non-subsistence area? No.
2. Is the stock customarily and traditionally taken or used for subsistence? Yes (5 AAC 02.466 (1)(2)).
3. Can a portion of the stock be harvested consistent with sustained yield? Yes
4. What amount is reasonably necessary for subsistence use? See 5 AAC 02.466 (2).
5. Do the regulations provide a reasonable opportunity for subsistence use? This is a Board decision.
6. Is it necessary to reduce or eliminate other uses to provide a reasonable opportunity for subsistence use? Except for king crab, no.

PROPOSAL 436: Page 325, 5 AAC 34.410. FISHING SEASONS FOR REGISTRATION AREA K; 5 AAC 34.420 SIZE LIMITS FOR REGISTRATION AREA K; 5 AAC 34.510 FISHING SEASONS FOR REGISTRATION AREA M; 5 AAC 34.520 SIZE LIMITS FOR REGISTRATION AREA M.

WHAT WILL THE PROPOSAL DO? This proposal would open the red and blue king crab season in the Kodiak and Alaska Peninsula Registration Areas by emergency order on September 25, rather than a regulatory opening on September 25. This proposal also repeals the red and blue king crab second season, based on the 7 1/2 inch size limit, in each management area.

WHAT ARE THE CURRENT REGULATIONS? The red and blue king crab season opens by regulation on September 25. A second season, opened by emergency order, may occur for the purpose of harvesting post-recruit crabs.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? The season for red or blue king crab would open by emergency order when stock conditions warranted an opening. The second season to harvest post-recruit king crab would be repealed.

BACKGROUND: The red and blue king crab fisheries have been closed since 1983 due to low stock abundance. The 2004 trawl survey indicates that the red king crab stock remains at a low level. There are no indications of stock rebuilding.

The current harvest strategy for management of the red king crab stock utilizes a 20% harvest rate of the mature male abundance, with a cap of 60% of the legal male abundance. There is no provision in the current harvest strategy for a second season based on a larger size limit.

DEPARTMENT COMMENTS: This is a staff proposal.

COST STATEMENT: Adoption of this proposal is not expected to result in an additional direct cost for the private person to participate.

PROPOSAL 437: Page 326, 5 AAC 35.510. FISHING SEASONS FOR REGISTRATION AREA J.

WHAT WILL THE PROPOSAL DO? This proposal would allow staff to adjust the daily fishing period in the Kodiak District Tanner crab fishery.

WHAT ARE THE CURRENT REGULATIONS? Pots may be operated to take Tanner crab from 8:00 a.m. until 5:59 p.m. each day from noon January 15 until noon March 31. Vessels must register by section, and may only be registered for one section at a time.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? Daily fishing periods could be lengthened when fishing effort declined in the district. Staff would not anticipate adjusting fishing periods at the beginning of the season. When harvest rate and effort declined to permit longer periods without jeopardizing management for a section GHL, fishing periods could be increased based on an staff's assessment of effort, daily harvest rate and remaining GHL. Based on past patterns of participation, daily fishing periods would likely be adjusted after inshore areas were closed and offshore areas remained open.

BACKGROUND: Fishermen can change section registration during the season. This often happens after a section's guideline harvest level is achieved, and is more likely to happen early in the fishing season.

Daily fishing periods, along with pot limits, help to control harvest rate. The number of vessels participating in a section may vary throughout the season. The department has been able to manage the various sections of the Kodiak District; however, there have been instances when a substantial portion of a section's GHL remained with just a few vessels fishing in a section. The current daily fishing period could be modified in these instances.

DEPARTMENT COMMENTS: The department supports longer openings when effort and harvest rate is low, and a manageable portion of the GHL remains.

COST STATEMENT: Adoption of this proposal is not expected to result in an additional direct cost for the private person to participate.

PROPOSAL 438: Page 327, 5 AAC 35.510 FISHING SEASONS FOR REGISTRATION AREA J.

WHAT WILL THE PROPOSAL DO? This proposal would adjust the Kodiak District Tanner crab daily fishing periods. If after the first three fishing periods the estimated harvest in a section is less than 25% of the GHL, for sections with a GHL of at least 150,000 pounds, fishing periods would be continuous until 75% of the GHL was achieved.

WHAT ARE THE CURRENT REGULATIONS? Pots may be operated to take Tanner crab from 8:00 a.m. until 5:59 p.m. each day from noon January 15 until noon March 31. Vessels must register by section, and may only be registered for one section at a time.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? The daily fishing period could increase in specific sections, depending upon harvest within a section, the section GHL and number of days elapsed in the section.

BACKGROUND: Daily fishing periods, along with pot limits, help to control harvest rate. The number of vessels participating in a section may vary throughout the season. The department has been able to manage the various sections of the Kodiak District; however, there have been instances when a substantial portion of a section's GHL remained with just a few vessels fishing in a section. The daily fishing period could be increased in these instances.

DEPARTMENT COMMENTS: The department does not support this proposal because it does not provide staff the ability to assess manageability. Staff prefers Proposal 437 because it allows adjustments in fishing periods based on an assessment of manageability.

COST STATEMENT: Adoption of this proposal is not expected to result in an additional direct cost for the private person to participate.

PROPOSAL 439: Page 328, 5 AAC 35.510. FISHING SEASONS FOR REGISTRATION AREA J.

WHAT WILL THE PROPOSAL DO? This proposal would replace the 10-hour daily fishing periods in the Kodiak District with continuous 24-hour fishing.

WHAT ARE THE CURRENT REGULATIONS? Pots may be operated to take Tanner crab from 8:00 a.m. until 5:59 p.m. each day from noon January 15 until noon March 31.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? In sections where the harvest rate was high and the GHL was low, the department may not be able to close the fishery before exceeding the guideline harvest level.

BACKGROUND: Daily fishing periods, along with pot limits, help to control harvest rate. The number of vessels participating in a section may vary throughout the season. The department has been able to manage the various sections of the Kodiak District; however, there have been instances when a substantial portion of a section's GHL remained with just a few vessels fishing in a section.

DEPARTMENT COMMENTS: The department opposes this proposal because current section GHLs are small and vessel effort can be high.

COST STATEMENT: Adoption of this proposal is not expected to result in an additional direct cost for the private person to participate.

PROPOSAL 440: Page 328, 5 AAC 35.510. FISHING SEASONS FOR REGISTRATION AREA J.

WHAT WILL THE PROPOSAL DO? This proposal would replace the 10-hour daily fishing periods in the Kodiak District with continuous 24-hour fishing.

WHAT ARE THE CURRENT REGULATIONS? Pots may be operated to take Tanner crab from 8:00 a.m. until 5:59 p.m. each day from noon January 15 until noon March 31.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? In sections where the harvest rate was high and the GHL was low, the department may not be able to close the fishery before exceeding the guideline harvest level.

BACKGROUND: Daily fishing periods, along with pot limits, help to control harvest rate. The number of vessels participating in a section may vary throughout the season. The department has been able to manage the various sections of the Kodiak District, however there have been instances when a substantial portion of a section's GHL remained with just a few vessels fishing in a section.

DEPARTMENT COMMENTS: The department opposes this proposal because current section GHLs are small and vessel effort can be high.

COST STATEMENT: Adoption of this proposal is not expected to result in an additional direct cost for the private person to participate.

PROPOSAL 441: Page 328, 5 AAC 35.525. LAWFUL GEAR FOR REGISTRATION AREA J.

WHAT WILL THE PROPOSAL DO? Develop pot limits based on vessel size for vessels over and under 60 feet for the Kodiak District Tanner crab fishery. Vessels 60 feet and over would be allowed 40 pots, vessels under 60 feet 20 pots.

WHAT ARE THE CURRENT REGULATIONS? Pot limits per vessel are set based on GHL: when the GHL is less than 2 million pounds the pot limit is 20; when the GHL is at least 2 million pounds but less than 4 million pounds the pot limit is 30; when the GHL is at least 4 million pounds but less than 5 million pounds the pot limit is 40; when the GHL is at least 5 million pounds the pot limit is 60 pots per vessel.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? Larger vessels could fish more pots than small vessels. The number of pots fishing in the District would likely increase.

BACKGROUND: The Kodiak District Tanner crab fishery is in the process of becoming limited to entry. CFEC will be issuing limited entry permits based on vessel size, over and under 60 feet in vessel length. Limited entry is expected to be implemented prior to the January 2006 fishery. CFEC expects that 180 vessels will be issued limited entry permits for the Kodiak District Tanner crab fishery.

The harvest strategy for the Kodiak District allows a section to open with a GHL of 100,000 pounds. Two sections must be opened and the total district GHL must be at least 400,000 pounds.

DEPARTMENT COMMENTS: The department is neutral on the allocative aspects of differential pot limits. If the Board was to adopt differential pot limits, the effect on fishery management would depend upon the number of large and small vessels with limited entry permits, which will not be known until the start of the 2006 Tanner crab fishery.

COST STATEMENT: Adoption of this proposal is not expected to result in an additional direct cost for the private person to participate.

PROPOSAL 442: Page 329, 5 AAC 35.525. LAWFUL GEAR FOR REGISTRATION AREA J.

WHAT WILL THE PROPOSAL DO? Create differential pot limits based on vessel size for vessels over 60 feet in length and vessels 60 feet or less in length. Differential pot limits would apply at each GHL tier greater than 2 million pounds, and with individual section GHLs greater than 150,000 pounds.

WHAT ARE THE CURRENT REGULATIONS? Pot limits per vessel are set based on GHL: when the GHL is less than 2 million pounds the pot limit is 20; when the GHL is at least 2 million pounds but less than 4 million pounds the pot limit is 30; when the GHL is at least 4 million pounds but less than 5 million pounds the pot limit is 40; when the GHL is at least 5 million pounds the pot limit is 60 pots per vessel.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? Larger vessels could fish more pots than smaller vessels when the total district GHL was greater than 2 million pounds.

BACKGROUND: One of the reasons for pot limits is fishery manageability. The Kodiak District Tanner crab fishery is in the process of becoming limited to entry. CFEC will be issuing limited entry permits based on vessel size, over and under 60 feet in vessel length. Limited entry is expected to be implemented prior to the January 2006 fishery.

The harvest strategy for the Kodiak District allows a section to open with a GHL of 100,000 pounds. Two sections must be opened and the total district GHL must be at least 400,000 pounds. CFEC expects that 180 vessels will be issued limited entry permits for the Kodiak District Tanner crab fishery.

DEPARTMENT COMMENTS: The department is neutral on the allocative aspects of differential pot limits. If the Board was to adopt differential pot limits, the effect on fishery management would depend upon the number of large and small vessels with limited entry permits, which will not be known until the start of the 2006 Tanner crab fishery.

COST STATEMENT: Adoption of this proposal is not expected to result in an additional direct cost for the private person to participate.

PROPOSAL 443: Page 330, 5 AAC 35.525. LAWFUL GEAR FOR REGISTRATION AREA J.

WHAT WILL THE PROPOSAL DO? Allow vessels fishing in offshore locations (Chirikof, Semidi, Lighthouse Rocks, Sutwik, and Portlock) of the Kodiak District to use a "boat load" of pots.

WHAT ARE THE CURRENT REGULATIONS? Pot limits per vessel are set based on GHL: when the GHL is less than 2 million pounds the pot limit is 20; when the GHL is at least 2 million pounds but less than 4 million pounds the pot limit is 30; when the GHL is at least 4 million pounds but less than 5 million pounds the pot limit is 40; when the GHL is at least 5 million pounds the pot limit is 60 pots per vessel.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? Vessels fishing in specific offshore portions of the district would presumably have a larger pot limit than vessels fishing inshore locations. A vessel could qualify for two separate pot limits, inshore and offshore.

BACKGROUND: The Tanner crab stock is currently rebuilding. Guideline harvest levels (GHLs) are established by section. The GHLs are based on the department's trawl survey. Some of the offshore locations mentioned in the proposal such as Lighthouse Rocks and Sutwik Island are not part of the department's survey area. These two locations are in the Semidi Islands Section. That section is considered an exploratory section and is an overlap registration area for both Kodiak and Chignik Tanner crab fishermen.

Vessels may participate in inshore and offshore areas when a section is open. Harvest from the entire section accrues toward the section guideline harvest level. The department has closed inshore locations when the targeted harvest was achieved. Offshore portions of the same section may remain open to take the remaining GHL.

DEPARTMENT COMMENTS: Because the proposal does not define "boat load" of gear, the department is unable to determine manageability or enforceability and therefore opposes the proposal.

COST STATEMENT: Adoption of this proposal is not expected to result in an additional direct cost for the private person to participate.

PROPOSAL 444: Page 331, 5 AAC 35.525. LAWFUL GEAR FOR REGISTRATION AREA J (c).

WHAT WILL THE PROPOSAL DO? Allow vessels prospecting near Chirkof Island, Semidi Islands, Lighthouse Rocks, Sutwik Island, Mainline, and Portlock, to use 70 pots.

WHAT ARE THE CURRENT REGULATIONS? Pot limits per vessel are set based on GHL: when the GHL is less than 2 million pounds the pot limit is 20; when the GHL is at least 2 million pounds but less than 4 million pounds the pot limit is 30; when the GHL is at least 4 million pounds but less than 5 million pounds the pot limit is 40; when the GHL is at least 5 million pounds the aggregate pot limit is 60 pots per vessel.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? Vessels fishing in specific offshore portions of the district would presumably have a larger pot limit than vessels fishing inshore locations. A vessel could qualify for two separate pot limits, inshore and offshore.

BACKGROUND: This proposal is similar to Proposal 443, except that it sets the number of pots for fishing offshore. The Tanner crab stock is currently rebuilding. Guideline harvest levels (GHLs) are established by section. The GHLs are based on the department's trawl survey. Some of the offshore locations mentioned in the proposal such as Lighthouse Rocks, and Sutwik Island are not part of the department's survey area. These two locations are in the Semidi Islands Section. That section is considered an exploratory section and is an overlap registration area for both Kodiak and Chignik Tanner crab fishermen.

Harvest in offshore areas would contribute to section GHLs. The minimum GHL for a section is 100,000 pounds.

DEPARTMENT COMMENTS: Depending upon vessel effort and harvest rate in offshore areas, 70 pots may affect manageability of small GHLs. However, specific areas such as the Semidi Islands section, which is an exploratory area, could be designated for a higher pot limit.

COST STATEMENT: Adoption of this proposal is not expected to result in an additional direct cost for the private person to participate.

PROPOSAL 445: Page 331, 5 AAC 35.525. LAWFUL GEAR FOR REGISTRATION AREA J.

WHAT WILL THE PROPOSAL DO? Allow vessel operators owning two or more CFEC permits (permit stacking) to increase the number of pots fished by that vessel operator. Each additional permit would allow an additional allotment of gear.

WHAT ARE THE CURRENT REGULATIONS? Pot limits are per vessel and set based on the GHL: when the GHL is less than 2 million pounds the pot limit is 20; when the GHL is at least 2 million pounds but less than 4 million pounds the pot limit is 30; when the GHL is at least 4 million pounds but less than 5 million pounds the pot limit is 40; when the GHL is at least 5 million pounds the pot limit is 60 pots per vessel.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? Vessel operators owning and registering multiple CFEC permits could fish higher pot limits.

BACKGROUND: Under current CFEC regulations, individuals are not allowed to own more than one permit. CFEC regulations would have to be changed in order for this proposal to be viable.

One of the reasons for pot limits is fishery manageability. The Kodiak District Tanner crab fishery is now limited entry. CFEC will be issuing limited entry permits based on vessel size, over and under 60 feet in vessel length. Limited entry is expected to be implemented prior to the January 2006 fishery.

DEPARTMENT COMMENTS: The department is neutral on the allocative aspect of allowing more gear per vessel.

COST STATEMENT: Adoption of this proposal is not expected to result in an additional direct cost for the private person to participate.

PROPOSAL 446: Page 332, 5 AAC 35.526. TANNER CRAB POT MARKING REQUIREMENTS FOR REGISTRATION AREA J.

WHAT WILL THE PROPOSAL DO? Provide a dual tag system for each pot; the surface buoy tag would be one color, and the pot tag would be a different color.

WHAT ARE THE CURRENT REGULATIONS? In locations where a Tanner crab pot limit is in effect, each Tanner crab pot must have one identification tag, issued by the department, placed on the main buoy or on the trailer buoy.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? Fishermen would be required to purchase and utilize two tags for each pot fished; one tag attached to the buoy and one on the pot. Fishermen would be able to retrieve and continue to fish pots that had missing buoy tags as long as at least one tag on the pot was attached.

BACKGROUND: Pot tags are required to prevent individuals from using more than the allowed limit of gear. Tags also allow the Alaska Bureau of Wildlife Enforcement a means for determining whether a pot is part of a legal set of gear. Under this proposal ABWE would need to pull pots without a tag on the buoy to determine if it had a department-issued tag on the pot. During the 2004 Tanner crab season, a new vendor manufactured the tags. Those buoy tags had a high rate of failure; tags had a high breakage rate near the neck of the tag; 20 vessels purchased replacement tags. Buoy tags have been redesigned for the 2005 season.

DEPARTMENT COMMENTS: The department opposes this proposal as being unnecessarily burdensome.

COST STATEMENT: Adoption of this proposal is expected to result in an additional direct cost for the private person to participate. The additional cost will be to purchase pot tags.

PROPOSAL 447: Page 333, 5 AAC 35.507. KODIAK, CHIGNIK, AND SOUTH PENINSULA DISTRICTS *C. BAIRDI* TANNER CRAB HARVEST STRATEGY(c).

WHAT WILL THE PROPOSAL DO? This proposal would open the Semidi Island Section when either the Southwest Section of the Kodiak District or the Chignik District opened.

WHAT ARE THE CURRENT REGULATIONS? Currently, both the Southwest Section of the Kodiak District and the Chignik District have to open concurrently for the Semidi Island Section to open. The Semidi Island Section closes when both the Southwest Section and the Chignik District are closed. The Kodiak District pot limit applies to the Semidi Island Section.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? If adopted the Semidi Island Section could open independently for either Chignik District fishermen or Kodiak District fishermen. The Semidi Island Section would likely open more often than under current regulation.

BACKGROUND: The Semidi Island Section is considered an exploratory section and is an overlap registration area for both Kodiak and Chignik Tanner crab fishermen. This section does not have a GHL.

DEPARTMENT COMMENTS: The department is neutral on the allocative aspects of this proposal.

COST STATEMENT: Adoption of this proposal is not expected to result in an additional direct cost for the private person to participate.

PROPOSAL 448: Page 333, 5 AAC 35.510. FISHING SEASONS FOR REGISTRATION AREA J (a).

WHAT WILL THE PROPOSAL DO? This proposal will amend the current regulatory language pertaining to delaying the Tanner crab season due to severe weather. The National Weather Service (NWS) has modified their forecast format and the current regulatory language to delay the fishery is unclear with respect to the current NWS format.

WHAT ARE THE CURRENT REGULATIONS? The current regulation delays the fishery for 24 hours if gale force wind warnings (35 knots or higher) are forecast for the 48-hour period of tank inspection, travel to the fishing grounds and initial pot deployment.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? This proposal modifies existing regulation to match current NWS forecast format.

BACKGROUND: In 2004, the NWS changed the format and content of their marine weather forecast for the Alaska Region. The opening of the Kodiak Tanner crab fishery is dependent on winds less than gale warning (35 knots) in the 48-hour NWS forecast issued at 4:00 AM on January 14.

This proposal was submitted prior to the NWS finalizing their format. The NWS format is now complete, and ADF&G suggests the following regulatory language.

….. The inspections required under 5 AAC 35.555 and the season opening shall be delayed for 24 hours if the January 14, 4:00 AM National Weather Service forecast for the current day and night plus the following day and night for any section of the Kodiak District, except in the Semidi and South west Sections, contains gale force warnings (35 knots or higher), in which case the season opening in all sections of the Kodiak District eligible for a season opening will be delayed 24 hours. If after the initial weather delay, the 4:00 AM NWS forecast for the current day and night plus the following day and night again contains gale warnings, the season opening in all sections will be delayed an additional 24 hours. The season opening delays may continue on a rolling 24-hour basis until 12:00 noon on January 25, when the season will open regardless of any gale force wind warnings in the National Weather Service forecasts. ……

DEPARTMENT COMMENTS: This is a staff proposal. Staff supports the above regulatory language.

COST STATEMENT: Adoption of this proposal is not expected to result in an additional direct cost for the private person to participate.

PROPOSAL 449: Page 334, 5 AAC 35.525. LAWFUL GEAR FOR REGISTRATION AREA J (c).

WHAT WILL THE PROPOSAL DO? This proposal would increase the pot limit to 40 pots for vessels in the Chignik District when the GHL is at least 600,000 pounds and increase the pot limit to 75 pots when the GHL is higher than one million pounds.

WHAT ARE THE CURRENT REGULATIONS? In the Chignik District, an aggregate of not more than 30 pots may be operated from a validly registered Tanner crab vessel.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? Vessels could fish more pots when GHLs are higher.

BACKGROUND: The Tanner crab stock is currently rebuilding; the 2004 season was the first season since 1989 that the Chignik District was open. One of the reasons for pot limits is fishery manageability. While the Chignik District is superexclusive, there is not a limit on the level of participation.

DEPARTMENT COMMENTS: The department is neutral on the allocative aspects of this proposal. The department would support higher pot limits with higher GHLs if the total number of pots in the fishery did not exceed 1,000 pots. Establishing a variable pot limit for the fishery would require preseason registration. Preseason registration would allow staff to divide the fishery of 1,000 pots by the number of vessels participating.

COST STATEMENT: Adoption of this proposal is not expected to result in an additional direct cost for the private person to participate.

PROPOSAL 450: Page 335, 5 AAC 35.510. FISHING SEASONS FOR REGISTRATION AREA J (b).

WHAT WILL THE PROPOSAL DO? This proposal would allow the Chignik District to open independently of the South Peninsula District.

WHAT ARE THE CURRENT REGULATIONS? The Chignik District may only open if the South Peninsula District is also opened.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? If this proposal were adopted, the Chignik District would open based on achieving harvest strategy thresholds and minimum guideline harvest levels for the Chignik District. The Chignik District would not be tied to an opening of the South Peninsula District.

BACKGROUND: The current regulation linking the opening of the Chignik District to the South Peninsula District is not related to manageability of the fishery. If this proposal is adopted the Chignik District could receive more effort in years when the South Peninsula District is closed.

DEPARTMENT COMMENTS: The department is neutral on the allocative aspects of this proposal.

COST STATEMENT: Adoption of this proposal is not expected to result in an additional direct cost for the private person to participate.

PROPOSAL 451: Page 335, 5 AAC 35.505. DESCRIPTION OF REGISTRATION AREA J DISTRICTS; 5 AAC 35.507. KODIAK, CHIGNIK, AND SOUTH PENINSULA DISTRICTS *C. BAIRDI* TANNER CRAB HARVEST STRATEGIES.

WHAT WILL THE PROPOSAL DO? This proposal would revise the regulatory harvest strategy for the South Peninsula District Tanner crab fishery. The department proposes to divide the district into two sections and develop minimum thresholds for opening each section.

WHAT ARE THE CURRENT REGULATIONS? The South Peninsula District may open for a minimum guideline harvest level of 200,000 pounds if the molting mature male threshold is met.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? The department would assess each section for opening based on minimum guideline harvest level and mature male abundance threshold.

BACKGROUND: The Alaska Board of Fisheries adopted a detailed harvest strategy for Tanner crab in the South Peninsula Area in 1999. The harvest strategy contains a minimum threshold of molting mature male abundance. When one-half of the historic mature male abundance is met, no more than 10% of the molting mature males or 30% of the legal males, whichever is less, may be taken in a commercial fishery. When the long-term historic mature male abundance is met or exceeded, no more than 20% of the molting mature male abundance or 30% of the legal crabs, whichever is less, may be taken. The district must provide a minimum GHL of 400,000 pounds for a fishery following a year below the minimum threshold; the district must provide a minimum GHL of 200,000 pounds or more if the harvest strategy criteria were satisfied and a commercial fishery occurred in the previous year. The current harvest strategy does not stipulate any additional requirements for distribution of the stock within the district; there are no section divisions within the district.

The current minimum guideline harvest level (GHL) and harvest strategy threshold for Tanner crab in the South Peninsula District allows fishing when stock distribution and biological conditions may not warrant harvest. The department did not open the South Peninsula District to Tanner crab fishing in 2003/04 even though the harvest strategy criteria for so doing had been met. The department proposes adjusting the harvest strategy to help ensure that fisheries only occur when the stock is rebuilding or likely to rebuild in the near future.

DEPARTMENT COMMENTS: This is a staff proposal.

COST STATEMENT: Adoption of this proposal is not expected to result in an additional direct cost for the private person to participate.