RC-2 Report to the Board of Fisheries

Staff Comments on Regulatory Proposals for all Groundfish, and Southeast & Yakutat Dungeness Crab, Shrimp, and Miscellaneous Shellfish

by

Region I Commercial Fisheries

and

Sport Fisheries Staff

February 20–26 2006 Ketchikan

Alaska Department of Fish and Game **Divisions of Sport Fish and Commercial Fisheries**

DEPARTMENT POSITIONS BY PROPOSAL NUMBER (PROPOSALS 223-300)

(247-249 are in statewide meeting and are not included)

Proposal No.	Department Position	Issue
223	O	Require punch cards for groundfish taken by guided anglers.
224	S	Repeal stand down requirement between troll and groundfish fisheries
225	S	Modify groundfish bait fishery regulation, close for certain species
226	O	Reduce DSR bycatch in longline fisheries and maintain 2004 sport fishery regulations
227	N	Close commercial DSR fisheries in District 1
228	S	Modify DSR fishing seasons and season allocations
229	S	Clarify existing regulations (housekeeping)
230	N	Reduce nonresident bag and possession limits for yelloweye rockfish region wide
231	S	Prohibit charter operators and crew from retaining yelloweye rockfish
232	S/N	Restrict sport fishing harvest limits for yelloweye
233	S/N	Restrict sport fishing bag limit for guided anglers to one demersal rockfish per day
234	O	Allow one state possession limit for rockfish in halibut sub fishery
235	N	Allow anglers to retain trophy lingcod at or above a specified size
236	S	Prohibit lingcod subsistence fishing using spear December 1 - May 15
237	N	Allow year round one fish take in halibut sub fishery
238	O	Modify allocation percentages and GHL for East Yakutat lingcod fisheries
239	N	Increase lingcod bycatch limit in halibut longline fishery from 5 to 10% in Icy Bay
240	O	Modify flatfish fishery trip limit and other provisions
241	N	Make SEAK beam trawl flatfish fishery super-exclusive
242	S	Repeal flatfish trawl fishery regulations
243	none	Establish halibut prohibitions for sport fishing businesses and guides.
244	N	Create trip limit for P-cod fishery
245	O	Change NSEI sablefish season to August 1 from August 15
246	S	Modify possession and landing roll over regulation
250	S	Clarify use of commercial vessel in personal use shrimp fishery
251	O	Change Section 3-A opening date to May
252	O	Change Section 3-A opening date to May
253	O	Change Section 3-A opening date to May
254	O	Change Section 3-A opening date to May
255	O	Change Section 3-A opening date to May
256	N	Close commercial shrimp fishery in District 15, Taiya Inlet
257	O	Modify pot shrimp MP by requiring the department manage for target harvest rates
258	O	Increase upper bound of all pot shrimp GHLs
259	O	Modify pot shrimp MP by allowing the department to keep certain stat areas open
260	S	Require buoys on each end of long lined gear with more than five pots
261	S	Modify pot shrimp GHLs to be consistent with current management
262	S	Clarify shrimp pot size limitations
263	S	Clarify retention of non targeted species in SEAK beam trawl fishery
264	S	Clarify trawl gear operation regulation
265	S	Clarify operation of multiple gear types in SEAK shrimp fisheries
266	S	Modify shrimp catcher-processor reporting requirements
267	N	Prohibit shrimp fishing from registered charter vessels in Sitka Sound from May 1
268	N	Close sport fishing for shrimp in areas closed to commercial fishing

269	N	Prohibit shellfish fishing from registered charter vessels in Sitka Sound from May 1
270	N	Prohibit clients or guests of sport fishing businesses from setting or deploying shellfish gear
271	N	Prohibit possession of shellfish fishing gear and shellfish on board charter vessels between May 1
272	N	Close Echo Cove to commercial fishery
273	N	Close portions of Chaik Bay to commercial fishery
274	N	Close Funter Bay to commercial fishery
275	N	Close upper Taiya Inlet to commercial fishery
276	N	Establish 200 pot limit for commercial fishery
277	N	Close Taku Harbor to commercial fishery
278	O	Modify fishing periods for Districts 1 and 2 open concurrent with other area
279	N	Repeal buoy tag requirement for commercial pots
280	O	Modify fishing periods for Districts 1 and 2 and Section 13-B open concurrently with other areas
281	S	Modify commercial Dungeness catcher-seller reporting requirements
282	N	Close sport fishing for dungeness crab in areas closed to commercial fishing
283	O	Change open fishing periods for geoducks from Mon-Tues to Wed-Thur
284	O	Implement fair start notice for areas certified for live harvest
285	N	Equal shares for geoduck GHL
286	S	Modify commercial closed waters for geoducks
287	S	Modify red urchin transporting requirements
288	S	Extend urchin fishing periods
289	O	Repeal sunset clause in urchin processing vessel observer requirement
290	O	Modify Forrester Island urchin survey protocol
291	O	Modify reporting requirements for dive fisheries
292	S	Modify commercial closed waters for scallops in Yakutat Bay
293	N	Change open fishing periods for cucumbers to Sun-Mon
294	O	Extend second day cucumber opening from 12:00 to 3:00
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296	O	Extend cucumber fishing periods
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300	S	Modify commercial closed waters in District 3

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Committee "A" – Dungeness Crab (14 Proposals)

Commercial Closed Waters

No. 272-Close Echo Cove to commercial fishery

No. 273-Close portions of Chaik Bay to commercial fishery

No. 274-Close Funter Bay to commercial fishery

No. 275-Close upper Taiya Inlet to commercial fishery

No. 277-Close Taku Harbor to commercial fishery

Pot Limits

No. 276-Establish 200 pot limit for commercial fishery

No. 279-Repeal buoy tag requirement for commercial pots

Seasons

No. 278-Modify fishing periods for Districts 1 and 2 open concurrent with other areas

No. 280-Modify fishing periods for Districts 1, 2, and Section 13-B open concurrent with other areas

Reporting Requirements

No. 281-Modify commercial Dungeness catcher-seller reporting requirements

Sport Dungeness

No. 269-Prohibit shellfish fishing from registered charter vessels in Sitka Sound

No. 270-Prohibit clients or guests of sport fishing businesses from setting or deploying shellfish gear

No. 271-Prohibit possession of shellfish fishing gear and shellfish on board charter vessels between May 1 and September 30

No. 282-Close sport fishing for Dungeness crab in areas closed to commercial fishing

Commercial Closed Waters

PROPOSAL 272 - 5 AAC 32.150(1). CLOSED WATERS IN REGISTRATION AREA A. Amend the regulation as follows:

Close Echo Cove to taking of commercial Dungeness crab.

PROPOSED BY: Nick Yurko

WHAT WILL THE PROPOSAL DO? This proposal, if adopted, would establish a closed area to the commercial taking of Dungeness crab in Echo Cove near Juneau in Southeast Alaska (Figure 272-1).

WHAT ARE THE CURRENT REGULATIONS? Current regulations specify 15 areas closed to commercial harvest of Dungeness crab in Southeast Alaska; four of these areas (Bridget Cove, Tee Harbor, Eagle Beach, and Auke Bay) are in the Juneau area (Figure 272-1).

WHAT WILL BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? If this proposal were adopted, commercial fishers in Echo Cove will be displaced and their harvest share re-allocated to personal use and sport fishers.

BACKGROUND: Echo Cove is not its own statistical area but part of the larger Berners Bay Statistical Area, 115-20. Aerial overflights of 115-20, to count Dungeness crab pot buoys in recent seasons, indicate that the majority of buoys sighted were in the Echo Cove area. The history of commercial harvest in Berners Bay is given in Table 272-1. The recent 10-year average harvest level is 19,141 pounds by five permit holders. Berners Bay is located within the boundaries of the Juneau non-subsistence area [5 AAC 99.015 (a)(2)].

DEPARTMENT COMMENTS: The department is NEUTRAL on this allocative proposal.

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

Table 272-1. Commercial harvest of Dungeness crab in Statistical Area 115-20, Berners Bay.

Season	Harvest (pounds)	Permits	Landings
1980-81	0	0	0
1981-82	0	0	0
1982-83	0	0	0
1983-84	*		
1984-85	0	0	0
1985-86	*		
1986-87	17,752	3	29
1987-88	3,871	3	11
1988-89	*		
1989-90	3,895	3	5
1990-91	8,315	6	34
1991-92	11,897	7	83
1992-93	12,628	4	41
1993-94	25,549	4	54
1994-95	6,002	3	15
1995-96	7,666	4	18
1996-97	50,894	4	27
1997-98	27,580	7	64
1998-99	14,282	9	46
1999-00	9,345	6	31
2000-01	4,159	3	11
2001-02	8,286	3	16
2002-03	31,569	3	31
2003-04	18,586	4	26
2004-05	19,043	4	23
Average (1995-96 to 2004-05)	19,141	5	29

* Information pertaining to harvest by 2 or less permit holders is confidential.

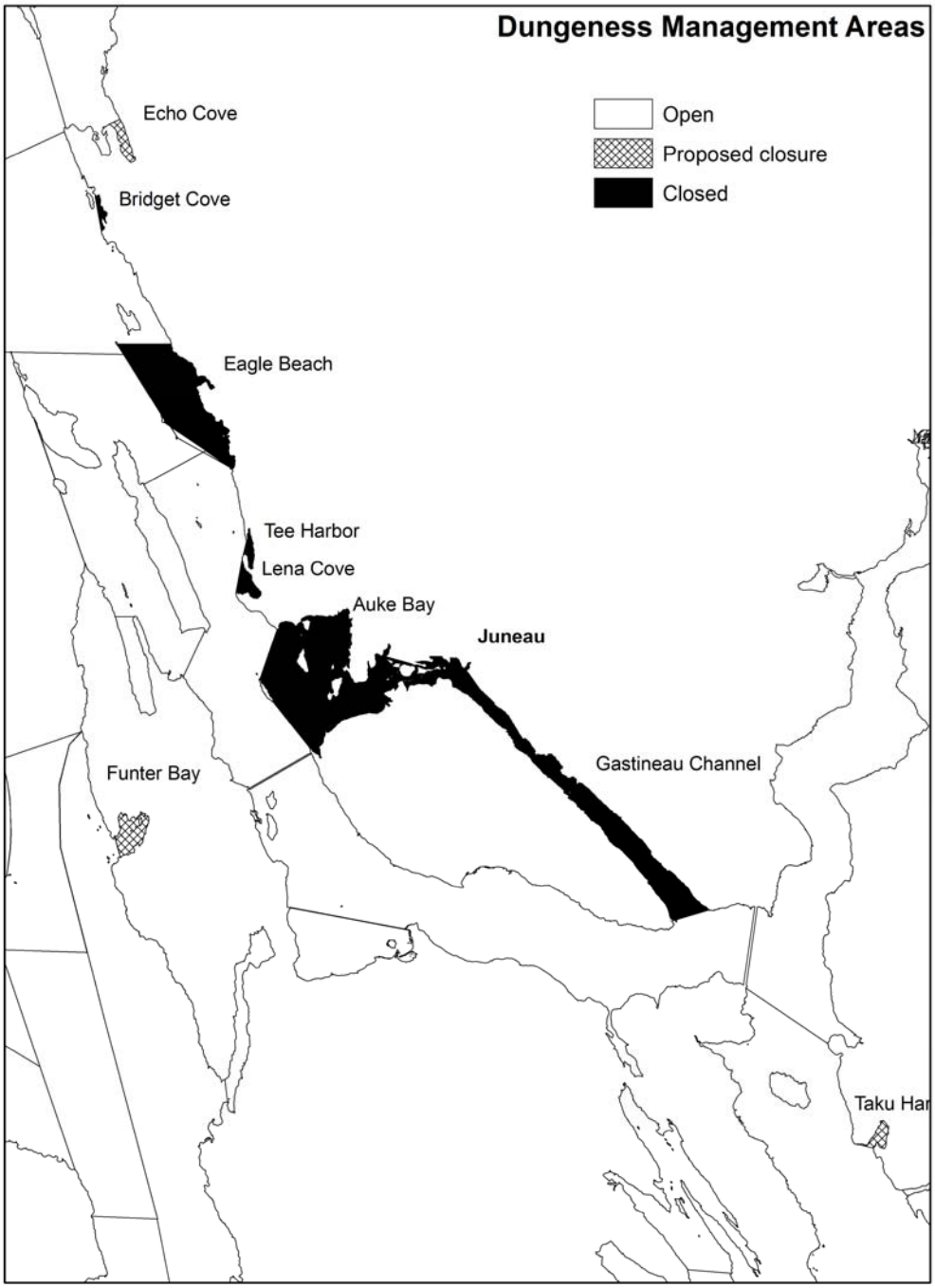

Figure 272-1. Areas near Juneau currently closed and proposed for closure to commercial fishing for Dungeness crab.

PROPOSAL 273 - 5 AAC 32.150. CLOSED WATERS IN REGISTRATION AREA A. Amend the regulation as follows:

Close a portion of Chaik Bay to commercial Dungeness crab harvest.

PROPOSED BY: Daniel D. Failoni

WHAT WILL THE PROPOSAL DO? This proposal, if adopted, would establish a closed area to the commercial taking of Dungeness crab in a portion of Chaik Bay near Angoon in Southeast Alaska (Figures 273-1 and 273-2). Waters east of a line beginning at the tip of the peninsula on the north at 59 °19.28' N, 134° 28.934' W and extending to 57° 19.029' N, 134° 28.874' W would be closed to commercial harvest while the remainder of the bay would remain open to commercial fishers.

WHAT ARE THE CURRENT REGULATIONS? Current regulations specify 15 areas closed to commercial harvest of Dungeness crab in Southeast Alaska, none of these are in the Angoon area. There is a customary and traditional use finding for Dungeness crab in the waters of District 12, between Parker Point and Point Caution which includes the waters of Chaik Bay.

WHAT WILL BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? If this proposal were adopted commercial fishers in Chaik Bay would be displaced and their harvest share re-allocated to personal use, sport, and subsistence fishers.

BACKGROUND: The history of commercial harvest in Chaik Bay (Statistical Area 112-80) is given in Table 273-1; the recent 10-year average harvest level is 12,110 pounds by four permit holders. There is no information on the magnitude of non-commercial harvest.

DEPARTMENT COMMENTS: The department is NEUTRAL on this allocative proposal.

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

Table 273-1. Commercial harvest of Dungeness crab in Chaik Bay, Statistical Area 112-80.

Season	Harvest (pounds)	Permits	Landings
1985-86	*		
1986-87	7,963	3	6
1987-88	0	0	0
1988-89	0	0	0
1989-90	*		
1990-91	*		
1991-92	*		
1992-93	0	0	0
1993-94	0	0	0
1994-95	0	0	0
1995-96	*		
1996-97	*		
1997-98	4,231	4	10
1998-99	3,795	3	11
1999-00	9,736	4	14
2000-01	*		
2001-02	14,497	7	21
2002-03	20,463	3	29
2003-04	10,313	3	15
2004-05	21,738	6	27
Average (1995-96 to 2004-05)	12,110	4	18

* Information pertaining to harvest by 2 or less permit holders is confidential.

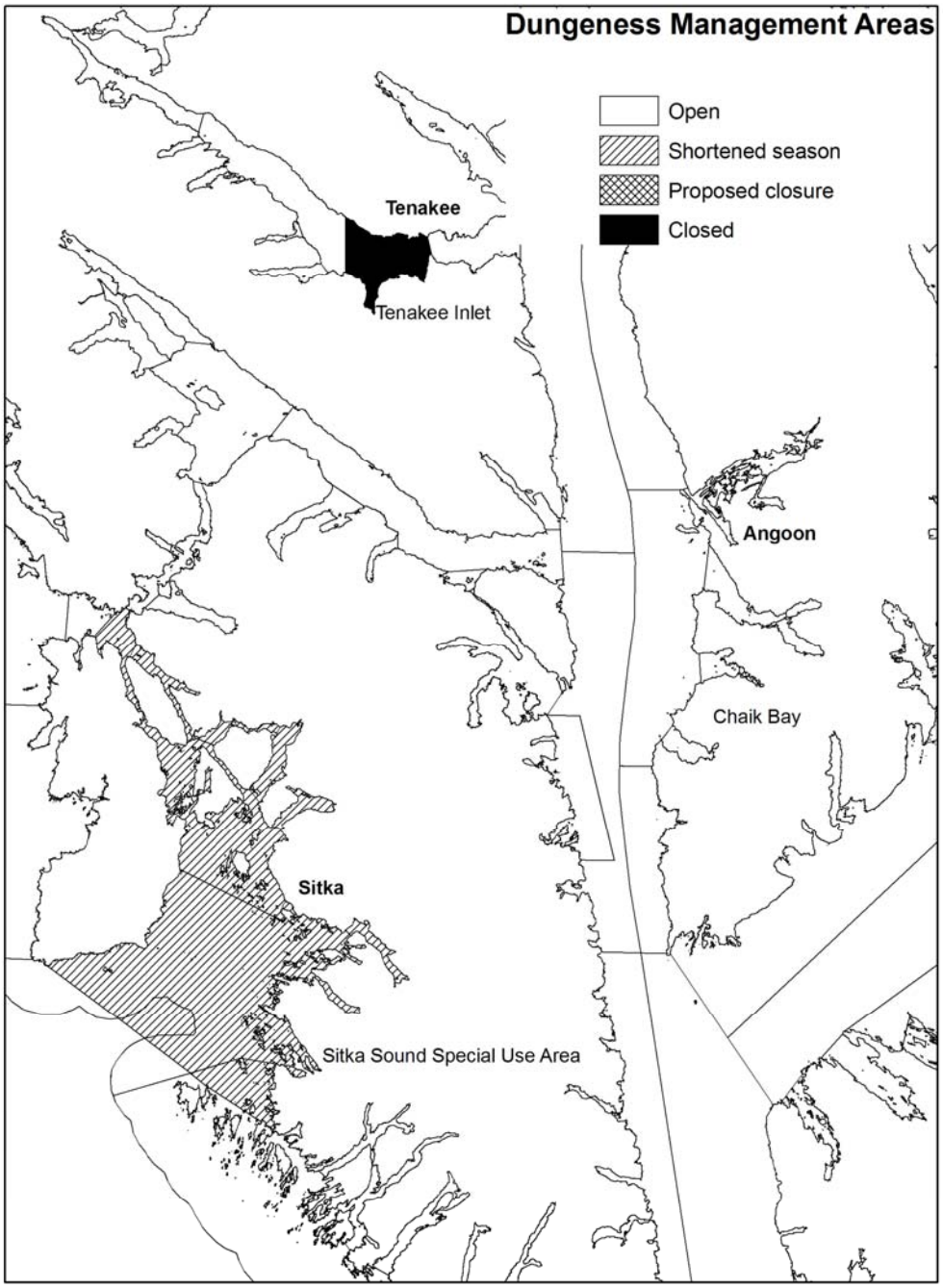

Figure 273-1. Areas in the vicinity of Tenakee, Angoon, and Sitka that are currently closed, proposed for closure, or with a shortened season for commercial fishing of Dungeness crab.

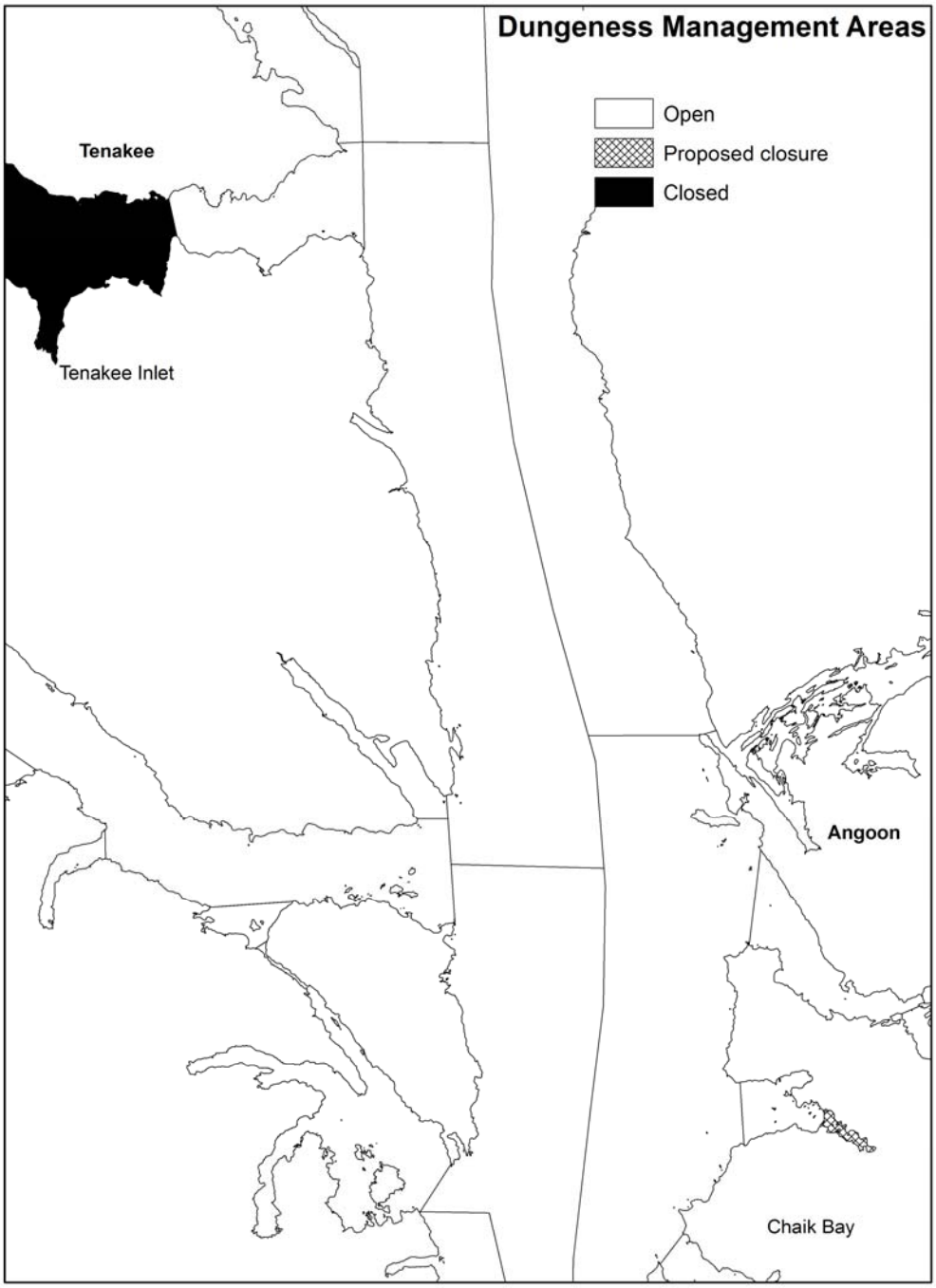

Figure 273-2. Area of Chaik Bay near Angoon proposed for closure to commercial fishing of Dungeness crab.

PROPOSAL 274 - 5 AAC 32.150. CLOSED WATERS IN REGISTRATION AREA A. Amend the regulation as follows:

Close Funter Bay to commercial Dungeness crab harvest.

PROPOSED BY: Funter Bay Alliance

WHAT WILL THE PROPOSAL DO? This proposal, if adopted, would establish a closed area to the commercial taking of Dungeness crab in Funter Bay in Southeast Alaska (Figure 274-1).

WHAT ARE THE CURRENT REGULATIONS? Current regulations specify 15 areas closed to commercial harvest of Dungeness crab in Southeast Alaska. There is no customary and traditional use finding for Dungeness crab in Funter Bay.

WHAT WILL BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? If this proposal were adopted commercial fishers in Funter Bay will be displaced and their harvest share re-allocated to personal use, and sport fishers.

BACKGROUND: The history of commercial harvest in Funter Bay (Statistical Area 112-63) is given in Table 274-1. The recent 10-year average harvest is 12,000 pounds by four permit holders. There is no information on the magnitude of non-commercial harvest.

DEPARTMENT COMMENTS: The department is NEUTRAL on this allocative proposal.

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

Table 274-1. Commercial harvest of Dungeness crab in Funter Bay, Statistical Area 112-63.

Season	Harvest (pounds)	Permits	Landings
1980-81	0	0	0
1981-82	0	0	0
1982-83	0	0	0
1983-84	0	0	0
1984-85	0	0	0
1985-86	*		
1986-87	4,096	4	8
1987-88	*		
1988-89	*		
1989-90	*		
1990-91	0	0	0
1991-92	8,128	4	24
1992-93	2,147	3	14
1993-94	*		
1994-95	5,128	5	19
1995-96	*		
1996-97	8,836	3	39
1997-98	6,241	4	21
1998-99	*		
1999-00	*		
2000-01	*		
2001-02	*		
2002-03	*		
2003-04	9,484	3	10
2004-05	23,439	4	16
Average (1995-96 to 2004-05)	12,000	4	21

* Information pertaining to harvest by 2 or less permit holders is confidential.

PROPOSAL 275 - 5 AAC 32.150. CLOSED WATERS IN REGISTRATION AREA A. Amend the regulation as follows:

Close a portion of Taiya Inlet to commercial Dungeness crab harvest.

PROPOSED BY: City of Skagway

WHAT WILL THE PROPOSAL DO? This proposal, if adopted, would establish a closed area to the commercial taking of Dungeness crab in a portion of Taiya Inlet near Skagway in Southeast Alaska. Waters of Taiya Inlet north of the latitude of approximately 59° 19.5' N latitude (Figure 275-1) would be closed to commercial harvest while the remainder of the Inlet would remain open to commercial fishers.

WHAT ARE THE CURRENT REGULATIONS? Current regulations specify 15 areas closed to commercial harvest of Dungeness crab in Southeast Alaska, none of these are in the Skagway area but one is in the Haines area (Figure 275-1). There is a customary and traditional use finding for Dungeness crab in the waters of District 15, Section 15-A that includes the waters of Taiya Inlet.

WHAT WILL BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? If this proposal were adopted, commercial fishers in Taiya Inlet will be displaced and their harvest share re-allocated to personal use, sport, and subsistence fishers.

BACKGROUND: Information on Dungeness crab harvest from Taiya Inlet alone is not available. The history of commercial harvest in Taiya and Chilkoot Inlets (Statistical Area 115-34) is given in Table 275-1; the recent 10-year average harvest level is 11,200 pounds by five permit holders. There is no information on the magnitude of non-commercial harvest.

DEPARTMENT COMMENTS: The department is NEUTRAL on this allocative proposal.

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

Table 275-1. Commercial harvest of Dungeness crab in Taiya Inlet, and Chilkoot Inlet, Statistical Area 115-34.

Season	Harvest (pounds)	Permits	Landings
1982-83	*		
1983-84	2,200	3	6
1984-85	*		
1985-86	*		
1986-87	5,415	4	18
1987-88	2,189	3	4
1988-89	7,425	6	17
1989-90	3,210	6	15
1990-91	14,478	8	26
1991-92	20,069	11	56
1992-93	10,505	5	31
1993-94	7,433	4	16
1994-95	12,444	5	76
1995-96	1,436	5	19
1996-97	11,598	5	20
1997-98	19,221	6	36
1998-99	16,708	5	38
1999-00	4,314	5	33
2000-01	1,346	3	9
2001-02	*		
2002-03	11,327	3	34
2003-04	16,984	5	39
2004-05	17,937	4	31
Average (1995-96 to 2004-05)	11,200	5	29

* Information pertaining to harvest by 2 or less permit holders is confidential.

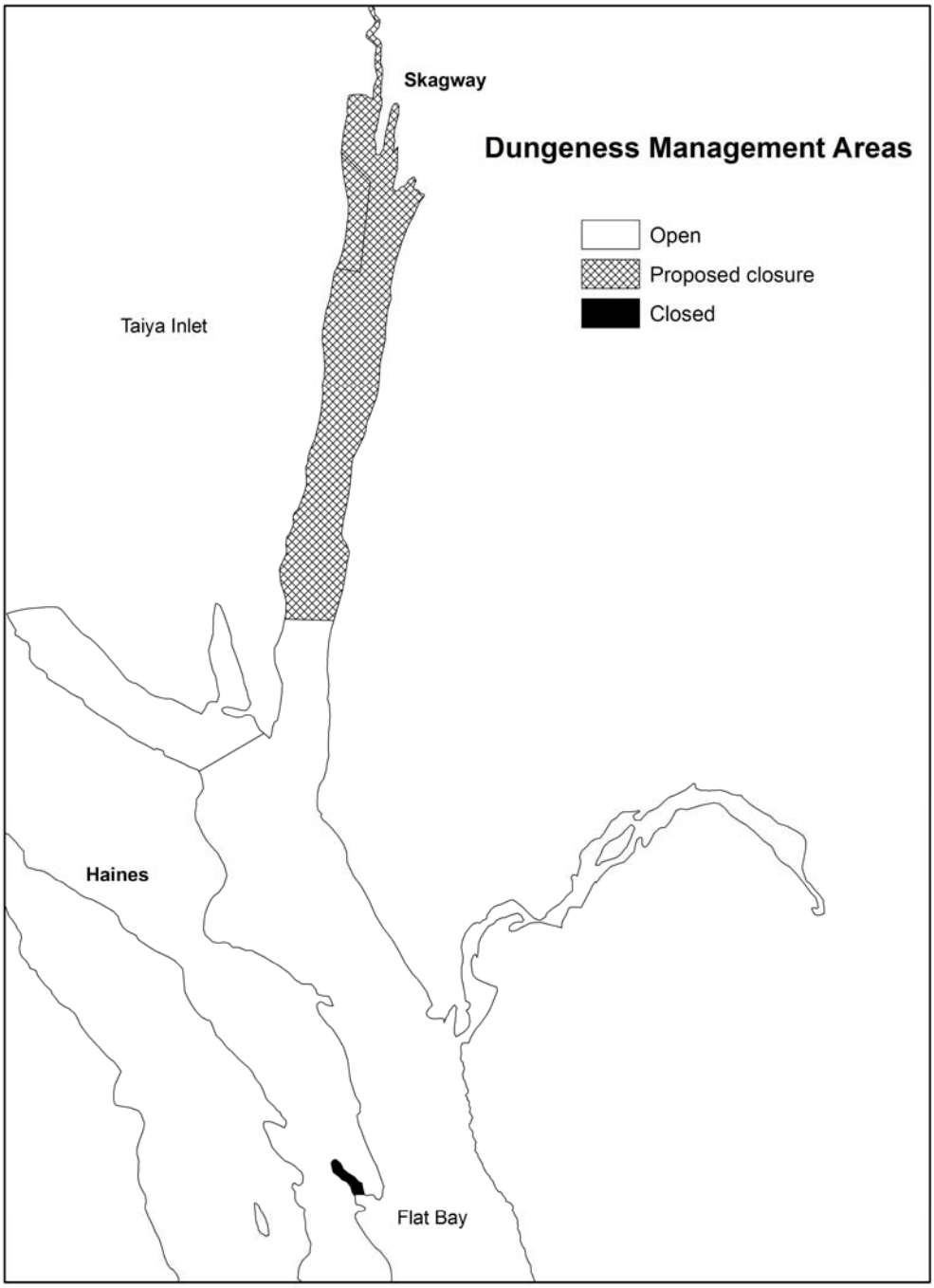

Figure 275-1. Areas near Skagway and Haines currently closed and proposed for closure to commercial fishing for Dungeness crab.

PROPOSAL 277 - 5 AAC 32.150. CLOSED WATERS IN REGISTRATION AREA A. Amend the regulation as follows:

Close Taku Harbor to commercial Dungeness crab fishing.

PROPOSED BY: Chris Donek and Carl Rosier

WHAT WILL THE PROPOSAL DO? This proposal, if adopted, would establish a closed area to the commercial taking of Dungeness crab in Taku Harbor near Juneau in Southeast Alaska (Figure 277-1).

WHAT ARE THE CURRENT REGULATIONS? Current regulations specify 15 areas closed to commercial harvest of Dungeness crab in Southeast Alaska; 4 of these: Bridget Cove, Tee Harbor, Eagle Beach, and Auke Bay are in the Juneau area (Figure 277-1).

WHAT WILL BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? If this proposal were adopted, commercial fishers in Taku Harbor will be displaced and their harvest share re-allocated to personal use, and sport fishers.

BACKGROUND: Taku Harbor is not its own statistical area but part of the larger statistical area 111-31. The history of commercial harvest in this statistical area is given in Table 277-1; the recent 10-year average harvest level is 19,111 pounds by five permit holders. There is no customary and traditional use finding for Dungeness crab in the waters of Section 11-B of District 11.

DEPARTMENT COMMENTS: The department is NEUTRAL on this allocative proposal.

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

Table 277-1. Commercial harvest of Dungeness crab in Statistical Area 111-31.

Season	Harvest (pounds)	Permits	Landings
1983-84	0	0	0
1984-85	0	0	0
1985-86	0	0	0
1986-87	*		
1987-88	504	3	4
1988-89	6,969	3	19
1989-90	8,223	3	14
1990-91	13,162	4	18
1991-92	30,311	7	25
1992-93	23,303	5	21
1993-94	8,626	4	14
1994-95	5,633	4	7
1995-96	9,258	3	8
1996-97	29,337	4	16
1997-98	16,830	8	44
1998-99	8,987	3	13
1999-00	6,223	5	16
2000-01	2,895	3	9
2001-02	2,139	5	17
2002-03	53,740	8	31
2003-04	27,945	5	15
2004-05	*		
2005-06	23,906	3	11
Average (1995-96 to 2004-05	19,111	5	19

* Information pertaining to harvest by 2 or less permit holders is confidential.

Pot Limits

PROPOSAL 276 - 5 AAC 32.125. LAWFUL GEAR FOR REGISTRATION AREA A. Amend the regulation as follows:

(a) In Area A, no more than 200 [300] Dungeness crab pots may be used by a vessel to take Dungeness crab.

PROPOSED BY: Brennon Eagle

WHAT WILL THE PROPOSAL DO? This proposal, if adopted, would reduce the pot limit for the commercial Dungeness crab fishery in Southeast Alaska, Registration Area A, from the current limit of 300 to 200. Permits in the Southeast Dungeness fishery are tiered at 25 percent, 50 percent, 75 percent, and 100 percent of the pot limit, so a reduction in the pot limit would result in permit holders being able to fish respectively 50, 100, 150, or 200 pots for a DA, CA, BA, or AA, permit respectively.

WHAT ARE THE CURRENT REGULATIONS? Current regulations specify a pot limit of 300 pots. The tiered permit system means that with a 300 pot limit permit holders can currently fish 75, 150, 225, or 300 pots for and DA, CA, BA, or AA, permit respectively. The existing Commercial Fisheries Entry Commission regulation [20 AAC 05.764 (a)(1)] automatically ties the tiered pot limits directly to the maximum number adopted by the BOF.

WHAT WILL BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? If this proposal were adopted, permit holders would have fewer pots to fish and catch rates would be decreased.

BACKGROUND: The current vessel limit of 300 pots for the Southeast Dungeness fishery has been in place since 1963. Biologically, there could be both advantages and disadvantages to a pot limit reduction. Since some vessels currently pull 300 pots daily at the beginning of the season, a pot limit reduction could result in more frequent pulling and shorter average soak times. This could decrease the time for escape rings to work resulting in increased handling of female and sublegal crabs. Handling of crabs, particularly soft-shelled crabs, has been shown to induce up to 50 percent mortality depending upon the crabs shell condition. However, a pot limit reduction could reduce pot loss. Pot loss and resulting ghost fishing of pots also kills crabs at an increasing rate depending upon the confinement period. The 60-thread cotton biodegradable twine used in Dungeness pots is calculated to biodegrade after a period of approximately 107 days. Once the panel degrades, crabs have a better chance of escaping but can be retained,

particularly in areas with a high sediment load when the pot becomes mudded in. Currently approximately 400 Dungeness crab replacement buoy tags are issued annually presumably to individuals who have lost pots. Pot limit reductions have been shown by various economic models to favor smaller vessels at the expense of larger ones and are thus considered to have allocative implications.

DEPARTMENT COMMENTS: The department is NEUTRAL on this proposal.

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

PROPOSAL 279 - 5 AAC 32.126. DUNGENESS CRAB POT MARKING REQUIREMENTS FOR REGISTRATION AREA A. Delete the regulation as follows:

[(a) in addition to the requirements of 5 aac 32.051 and 5 aac 32.2125, each dungeness crab pots must have one identification tag issued by the department attached to the main buoy or on the trailer buoy if more than one buoy is attached to the pot.

(b) identification tags are issued before each fishing season, are uniquely numbered for each registration year, and will be issued at the time of vessel registration for that vessel only. the vessel owner, or the owner's agent, shall apply for identification tags at the department office designated to issue tags. replacement of lost tags during a season is permitted if the vessel operator submits a sworn statement or affidavit describing how the tags were lost and listing the numbers of the lost tags. tags shall be renewed annually at the time of registration before each fishing season.]

PROPOSED BY: Southeast Alaska Fishermen's Alliance

WHAT ARE THE CURRENT REGULATIONS? Current regulations in Registration Area A require that each Dungeness crab buoy or ring net be identically marked and labeled with the ALASKA DEPARTMENT OF FISH AND GAME number of the vessel working the gear [5 AAC 32.125(d)]. For vessels registered by multiple permit holders, the CFEC number of the permit holder to whom the pots are registered must also appear on the buoy [5 AAC 32.125(e)]. Additionally, each buoy must have an identification tag attached to it [5 AAC 32.126(a)].

WHAT WILL BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? If this proposal were adopted, buoy tags would no longer be required. Enforcement would have no practical way of enforcing pot limits.

BACKGROUND: Beginning in 1963, identical buoys for Dungeness crab pots were required to be marked with the vessels ALASKA DEPARTMENT OF FISH AND

GAME number. Subsequently, beginning with the 1989/1990 season, identically marked buoys were required. The purpose was to prevent individuals from pulling others' gear and to facilitate enforcement of pot limits. However, it was only moderately useful for the latter purpose. Therefore, the requirement for the CFEC number to appear on the buoy of pots fished from vessels registered to multiple permit holders was established beginning with the 1997/1998 season. Its purpose was to allow the Alaska Bureau of Wildlife Enforcement (ABWE) to distinguish which gear a vessel could be pulling depending upon which permit holder was aboard. Finally, the buoy tag requirement was established at the 2000 Dungeness crab, Miscellaneous Shellfish, Herring, Groundfish, and Shrimp meeting of the Alaska Board of Fisheries in response to a proposal by the Alaska Bureau of Wildlife Enforcement.

DEPARTMENT COMMENTS: The department is NEUTRAL to this proposal but notes that the ABWE has indicated that without buoy tags they will have no practical way of enforcing commercial Dungeness crab pot limits as it is nearly impossible to count 300 identically marked but widely distributed buoys.

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

Seasons

PROPOSAL 278 and 280 - 5 AAC 32.110. FISHING SEASONS FOR REGISTRATION AREA A. Amend the regulation as follows:

Proposal 278 seeks to align Dungeness crab commercial fishing seasons in Districts 1 and 2 with the rest of Southeast Alaska. Proposal 280 seeks to align the Dungeness crab commercial fishing season in Districts 1 and 2 and Section 13-B with the rest of Southeast Alaska.

PROPOSED BY: Wrangell Advisory Committee (278); Albie Morin (280)

WHAT ARE THE CURRENT REGULATIONS? Current regulations specify a commercial Dungeness crab season from October 1 through February 28 for Districts 1, 2, and portions of Section 13-B.

WHAT WILL BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? If this proposal were adopted, a summer Dungeness crab season from June 15 through August 15 would be opened for Districts 1, 2 and/or Section 13-B and the winter season from December 1 through February 28 would be repealed.

BACKGROUND: Until the late 1950s, a summer soft shell closure for the Southeast Dungeness fishery was in effect from May 1 through September 1. It was subsequently revoked. Beginning in 1985, the commercial fishery was closed between August 16 and September 30 because field observations suggested that it was the major period when

females molted and were mated. In the briefing document for that meeting, reasons for the proposed change included soft shell and associated handling mortality, as well as allocation problems between personal use and commercial users in Section 13-B. In response to increasingly high effort levels and high harvest rates, the season was further shortened in 1989 by reducing the winter season in northern and central districts to October 1 through November 30. The season remained October 1 through February 28 in southern Districts 1, 2, and Section 13-B. The split seasons have been in effect since this time.

DEPARTMENT COMMENTS: The department OPPOSES this proposal. The current summer season of June 15 through August 15 in much of Southeast Alaska overlaps the primary male molt period from March through July. As a result, handling of soft-shelled crabs is high during the summer season. The percentage of legal males that are soft-shelled can be very high in some periods and areas. During early June Dungeness crab surveys of Duncan Canal, 59 percent of legal males were in shell condition 1 (soft) or 2 (light) in both 2001, and 2002 surveys. Crabs reach a marketable shell condition 3 (new) about 2 months after molting. Since handling mortality of soft-shelled crabs have been estimated as high as 50 percent, yield has been reduced by handling-induced deadloss. For this reason, the department has long advocated a fall/winter season be adopted for the entire Southeast Dungeness fishery, as avoiding the soft-shell period would increase yielded poundage.

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

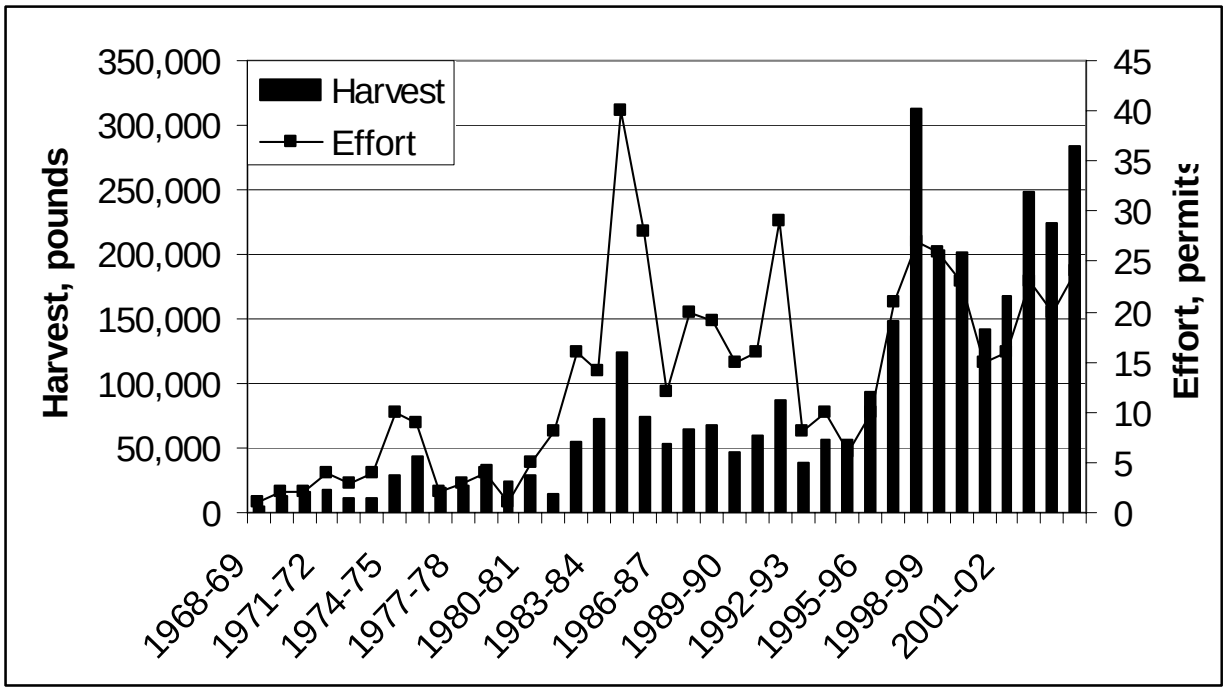

Figure 278-1. Harvest and effort in commercial Dungeness crab fishery in Districts 1 and 2 from 1968-69 through 2004-05 seasons.

Reporting Requirments

PROPOSAL 281 - 5 AAC 32.1XX. REPORTING REQUIREMENTS FOR DUNGENESS CRAB IN REGISTRATION AREA A. Create a new regulation as follows:

(a) The owner or operator of a catcher-seller vessel registered to take Dungeness crab in Registration Area A shall complete an ALASKA DEPARTMENT OF FISH AND GAME crab fish ticket indicating the estimated number and weight of the crab on board by species before any crabs are removed from the vessel. This estimate will be updated when sales are completed.
(b) "catcher-seller vessel" means a vessel from which Dungeness crab are caught and a person sells or attempts to sell unprocessed Dungeness crab that were legally taken by the catcher-seller vessel to a person not licensed to process the crab.

PROPOSED BY: Alaska Department of Fish and Game

WHAT ARE THE CURRENT REGULATIONS? There are currently no reporting requirements for catcher-sellers of Dungeness crabs in Registration Area A. The only requirements are those of [5 AAC 39.130] that call for a fish ticket to be submitted within 7 days of landing crabs.

WHAT WILL BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? If this proposal were adopted, a catcher-seller would be required to write a fish ticket immediately upon beginning to remove crabs from a vessel for sale. This would likely decrease the unreported harvest from dockside sales of crabs.

BACKGROUND: A fish ticket must be submitted within 7 days of landing [5 AAC 39.130(c)]. For dockside sales, the requirement for a fish ticket to be written upon 'landing' of each individual crab has been informally waived in favor of a tally sheet and reporting on a single fish ticket. However, this practice does not allow for enforcement of accurate accounting for dockside sales. While still less than perfect, a requirement for a fish ticket to be drafted prior to beginning to remove crabs from a vessel would facilitate more accurate accounting for dockside sales. If this proposal were adopted catcher-seller reporting requirements for Dungeness crab would be consistent with those in regulation for commercial shrimp catcher-sellers [5 AAC 31.143 (d) and (e)].

DEPARTMENT COMMENTS: The department submitted and SUPPORTS this proposal. The potential for underreporting of dockside sales of Dungeness crabs is a concern.

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

Sport Dungeness

PROPOSAL 269. PAGE 198. 5 AAC 47.036. Prohibitions. Amend these regulations to include the following:

No vessel registered as a charter vessel may be used to fish for shellfish in the Sitka Sound Special Use Area from May 1 through September 15.

PROPOSED BY: Artwin E. Schmidt.

WHAT WOULD THE PROPOSAL DO? This proposal would prohibit registered sport charter vessels from being used to sport fish for shellfish in the Sitka Sound Special Use Area (SSSUA) from May 1 though September 15.

WHAT ARE THE CURRENT REGULATIONS? Current sport fishery regulations do not prohibit the use of registered charter vessels to fish for shellfish. However, the captain and crewmembers of a charter vessel may not deploy, set, or retrieve their own gear in a sport, personal use, or subsistence shellfish fishery when that vessel is being chartered (5 AAC 47.036(b), 5 AAC 77.699(b), and 5 AAC 02.199(b)). In addition, a charter vessel cannot be used for any commercial fishery on the day that it is used for hire in a sport, personal use or subsistence fishery.

Charter vessel operators, lodge owners, and their employees are also restricted from supplying sport, subsistence, or personal use caught shellfish to their clients or guests unless the shellfish has been taken with gear deployed and retrieved by the client or guest, the gear has been marked with the client's or guest's name and address along with the vessel name, division of motor vehicles boat registration number, or Coast Guard documentation number (5 AAC 75.035(1), and the shellfish is consumed by the client or guest or is consumed in the presence of the client or guest (5 AAC 47.036(a)(3), 5 AAC 77.699(a)(3), and 5 AAC 02.199(a)(3)).

The sport fishery for Dungeness crab and shrimp are open year round throughout Southeast Alaska. The sport bag and possession limit for crab is 5 Dungeness and Tanner crab in combination, males only, with a minimum size limit of 6 ½ inches for Dungeness. Sport fishing gear for Dungeness crab and shrimp is limited to pots and ring nets. The sport fishery bag and possession limit for shrimp is 10 pounds or 10 quarts of shrimp.

Subsistence regulations allow qualified Alaska residents to harvest shrimp and Dungeness crab in areas with Customary and Traditional findings for those species,

including the SSSUA. Personal use regulations allow all Alaska residents the opportunity to harvest crab and shrimp region wide. Regulations for both fisheries allow bag limits of 20 Dungeness crab per day and unlimited harvest of shrimp. As with the sport fishery, only male Dungeness crabs with a minimum size of 6 ½ inches may be taken in the personal use and subsistence fisheries.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL IS ADOPTED? This proposal would prohibit all anglers (residents and nonresidents) from harvesting shellfish in the SSSUA with the use of a registered charter vessel from May 1 through September 15. This proposal would also prohibit charter operators from using registered charter vessel for their own subsistence, personal use or sport harvest of shellfish from May 1 through September 15 in the SSSUA. Only individuals fishing from a private vessel (not a registered charter vessel) would be allowed to harvest shellfish under subsistence, personal use or sport regulations. It is clear that the intent of this proposal is to restrict all shrimp harvest from registered charter vessels. To accomplish this goal, similar restrictions should be included in the Southeast subsistence and personal use chapters (5 AAC 02.199. and 5 AAC 77.699.) in addition to the sport fishing chapter (5 AAC 47.036.). The amount of shellfish taken in the SSSUA under sport, subsistence and personal use regulations is unknown, so the potential reduction in harvest cannot be assessed.

BACKGROUND: In response to concerns over increasing harvest of shellfish by charter operators and that sport or personal use caught shellfish was unlawfully being supplied to clients, the Board adopted regulations in 1997 prohibiting charter vessel operators, lodge owners and their employees from supplying clients with sport, subsistence or personal use caught shellfish. The goal of this proposal is to curb the perceived abuse of the regulations that allow only charter clients to set and retrieve their own shellfish gear while on a charter boat.

The Sitka Sound Local Area Management Plan (LAMP) and area were developed and implemented by the National Marine Fisheries Service (NMFS) in collaboration with the Board in order to reduce competition for halibut and address localized depletion concerns in the Sitka Sound area. Regulations that were applied in the Sitka Sound LAMP area provide greater harvest opportunity for subsistence, sport and personal use halibut fisherman by restricting commercial and charter vessel harvests in the area. The SSSUA established by the Board mirrors the Sitka Sound LAMP area established by NMFS. In 2003, the Board reduced the commercial season for Dungeness crab and closed the commercial shrimp fishery in the SSSUA. Prior to 2003, the Board reduced the non-pelagic rockfish bag and possession limits and closed the sport fishery for razor clams in the SSSUA due to management concerns. The amount of shellfish taken in the SSSUA under sport, subsistence and personal use regulations is unknown, so the potential reduction in harvest cannot be assessed.

DEPARTMENT COMMENTS: The department is NEUTRAL on this proposal as the intent is to allocate between guided and unguided fishermen. The proposal cites conservation concerns for shrimp and Dungeness crab in the SSSUA. The department has no information by which to assess the existence or magnitude of the resource conservation issue.

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 270. PAGE 199. 5 AAC 47.036. Prohibitions. Amend these regulations to include the following:

Clients or guests of a lodge, charter vessel, or other enterprise that furnishes food, lodging, or guide services may not set or deploy shellfish gear.

PROPOSED BY: William A. Stortz.

WHAT WOULD THE PROPOSAL DO? This proposal would prohibit clients or guests of a lodge, charter vessel, or other enterprise that furnishes food, lodging or guide services from setting or deploying shellfish gear. It appears from other language in the proposal that the intent is to also prohibit clients and guests from retrieving shellfish gear.

WHAT ARE THE CURRENT REGULATIONS? Charter vessel operators, lodge owners, and their employees are restricted from supplying sport, subsistence, or personal use caught shellfish to their clients or guests unless the shellfish has been taken with gear deployed and retrieved by the client or guest, the gear has been marked with the client's or guest's name and address along with the vessel name, division of motor vehicles boat registration number, or Coast Guard documentation number, and the shellfish is consumed by the client or guest or is consumed in the presence of the client or guest.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL IS ADOPTED? This regulation, in combination with existing regulations, would prohibit clients or guests of a lodge, charter vessel, an enterprise that furnishes food, or guide service from harvesting shellfish. This restriction would apply only to nonresidents because residents could still harvest shellfish under personal use or subsistence regulations (unless this restriction was also applied to 5 AAC 02.199. and 5 AAC 77.699.). Regional sport fish Dungeness crab harvest would be reduced by approximately 8 percent (4,700 crabs) if this proposal were adopted.

BACKGROUND: In response to concerns over increasing harvest of shellfish by charter operators and that sport or personal use caught shellfish was unlawfully being supplied to clients, the Board adopted regulations in 1997 prohibiting charter vessel

operators, lodge owners and their employees from supplying clients with sport, subsistence or personal use caught shellfish. The goal of this proposal is to curb the perceived abuse of the regulations that allow only charter clients to set and retrieve their own shellfish gear while on a charter boat.

DEPARTMENT COMMENTS: The department is NEUTRAL on this proposal as the intent is to allocate between guided and unguided fishermen. The proposal cites localized depletion of shellfish stocks. The department has no information by which to assess the existence or magnitude of this resource conservation issue.

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 271. PAGE 200. 5 AAC 75.035. Sport fishing gear for shellfish. Amend the regulations to include the following:

Guided sport fishing vessels may not possess shellfish harvesting gear or fish for shellfish between May 1 and September 30.

PROPOSED BY: Brian McNitt.

WHAT WOULD THE PROPOSAL DO? This proposal would prohibit the possession of shellfish harvesting gear on guided sport fishing vessels anywhere in Alaska between May 1 and September 30.

WHAT ARE THE CURRENT REGULATIONS? Currently there are no regulations that prohibit the possession of shellfish gear on charter vessels. However, regulations in Southeast Alaska prohibit the captain and crewmembers of a charter vessel from deploying, setting or retrieving gear in a sport, subsistence, or personal use shellfish fishery when that vessel is being chartered.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL IS ADOPTED? If shellfish gear were not allowed statewide from May 1 to September 30, all harvest of shellfish from charter vessels would be eliminated during this time. If the intent is for this regulation to only be in effect in Southeast Alaska, then the regulation should be adopted in 5 AAC 47.035. If the intent is for this proposed regulation to be in effect statewide this proposal should be resubmitted for consideration during a statewide Board meeting. The expected reduction in sport fish harvest of Dungeness crab in Southeast Alaska would be approximately 4,700 crabs (8% of the average regional harvest). The proportion of the total reduction by resident anglers would be approximately 1,100 crabs (2% of the regional harvest). There would be an expected decline in harvest of other

shellfish species, but the department has no information with which to assess the magnitude of the reduction.

BACKGROUND: In response to concerns over increasing harvest of shellfish by charter operators and that sport or personal use caught shellfish was unlawfully being supplied to clients, the Board adopted regulations in 1997 prohibiting charter vessel operators, lodge owners and their employees from supplying clients with sport, subsistence or personal use caught shellfish. The goal of this proposal is to curb the perceived abuse of the regulations that allow only charter clients to set and retrieve their own shellfish gear while on a charter boat.

Pre and post season stock assessment surveys began in 1997 and 1999 for shrimp and Dungeness crab, respectively, but commercial harvest trends currently provide the best long-term indicator of sustainability of harvest levels. Since 1995, harvest trends in the commercial Dungeness crab fishery have become more variable due to increased fishing effort and reduced carry over from one year to the next. The 2002/2003 commercial harvest of Dungeness crab was the largest in the history of the fishery, likely a function of both increased effort and high abundance. In 1997, the Board adopted Guideline Harvest Levels, gear descriptions, fishing hours, mesh size and pot limits for the pot shrimp fishery in response to rapidly increasing participation. Commercial shrimp harvests since 1997 have remained stable.

DEPARTMENT COMMENTS: The department is NEUTRAL on this proposal as the intent is to allocate between guided and unguided fishermen. The proposal cites localized depletion of shellfish stocks. The department has no information by which to assess the existence or magnitude of the resource conservation issue.

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 282, PAGE 206. 5AAC 47.035. Methods, means, and general provisions – Shellfish. Amend the regulations to include the following:

All waters in Registration Area A that are closed to commercial fishing for Dungeness crab are also closed to sport fishing.

PROPOSED BY: Wrangell Advisory Committee

WHAT WOULD THE PROPOSAL DO? As written, the intent of this proposal is not clear, however the author was contacted and explained that the intent is to prohibit sport

fishing for Dungeness crab in areas listed in regulation as closed waters for commercial Dungeness crab fishing.

WHAT ARE THE CURRENT REGULATIONS? Fifteen areas are closed year-round by regulation to commercial Dungeness crab fishing (5 AAC 32.150.). In addition, the Sitka Sound Special Use Area is closed from December 1 – September 30. All of these areas were closed by the Board to provide additional harvest opportunity in sport, subsistence, and personal use fisheries.

The sport fishery for Dungeness crab is open year round throughout Southeast Alaska. The sport bag and possession limit for crab is 5 Dungeness and Tanner crab in combination, males only, with a minimum size limit of 6 ½ inches for Dungeness crab. Sport fishing gear for Dungeness crab is limited to pots and ring nets.

Subsistence regulations allow qualified Alaska residents to harvest Dungeness crab in areas with Customary and Traditional findings for those species. Personal use regulations allow all Alaska residents the opportunity to harvest Dungeness crab region wide. Regulations for both fisheries allow bag limits of 20 Dungeness crab per day. As with the sport fishery, only male Dungeness crabs with a minimum size of 6 ½ inches may be taken in the personal use and subsistence fisheries.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL IS ADOPTED? This proposal will eliminate harvest opportunity for nonresidents in the sixteen areas of Southeast Alaska that are closed to commercial Dungeness crab fishing. Residents could continue to harvest Dungeness crab in these areas under personal use or subsistence regulations.

The percentage of the sport/personal use harvest that is taken by nonresidents in the 16 areas identified in this proposal is not known. However, because these areas are located near major communities, the proportion of the recreational harvest taken by sport anglers (nonresidents) may be similar to the regional average of 39%.

BACKGROUND: Pre and post season stock assessment surveys began in 1999 for Dungeness crab, but commercial harvest trends currently provide the best long-term indicator of sustainability of harvest levels. Since 1995, harvest trends in the commercial Dungeness crab fishery have become more variable due to increased fishing effort and reduced carry over from one year to the next. The 2002/2003 commercial harvest of Dungeness crab was the largest in the history of the fishery, likely a function of both increased effort and high abundance.

From 2000 to 2004, the combined sport and personal use harvests of Dungeness crab in Southeast Alaska averaged roughly 60,000 crab. Nonresident harvest, taken under sport regulations, has averaged about 39% of the total sport and personal use harvests. The

average number of Dungeness crab harvested by nonresidents is roughly 1% of the total commercial, personal use and sport harvests combined.

DEPARTMENT COMMENTS: The department is NEUTRAL on this proposal as the intent is to allocate between residents and nonresidents.

COST STATEMENT: The adoption of this proposal is not expected to add any direct cost for a private person to participate in this fishery.

Committee "B" Miscellaneous Shellfish (18 proposals)

Scallops

No. 292-Modify commercial closed waters for scallops in Yakutat Bay

Geoducks

No. 283-Change open fishing seasons for geoducks from Mon-Tues to Wed-Thursday
No. 284-Implement fair start notice for areas certified for live harvest
No. 285-Equal shares for geoduck GHL
No. 286-Modify commercial closed waters for geoducks

Sea Cucumbers

No. 293-Change open fishing periods for cucumbers to Sun-Mon
No. 294-Extend second day cucumber opening from 12:00-3:00
No. 295-Extend second day cucumber opening from 12:00-3:00
No. 296-Extend cucumber fishing periods
No. 297-Modify commercial closed waters in Section 3-B
No. 298-Repeal commercial closed waters in District 12 Hidden Falls
No. 299- Modify commercial closed waters in Section 13-B
No. 300-Modify commercial closed waters in District 3

Red Urchins

No. 287-Modify red urchin transporting requirements
No. 288-Extend urchin fishing periods
No. 289-Repeal sunset clause in urchin processing vessel observer requirements
No. 290-Modify Forrester Island urchin survey protocol

Reporting Requirements

No. 291-Modify reporting requirements for dive fisheries

Scallops

PROPOSAL 292. 5 AAC 38.180. CLOSED WATERS FOR SCALLOPS IN REGISTRATION AREA D. Amend the regulation as follows:

The waters of Yakutat Bay east of a line from the easternmost tip of Ocean Cape at 59° 32.05' N. latitude 139° 52.03' W. longitude to the southernmost tip of Point Manby at 59° 41.07' N. latitude and 140° 18.06' W. longitude are closed to the taking of scallops.

PROPOSED BY: Alaska Department of Fish and Game

WHAT ARE THE CURRENT REGULATIONS? Current regulations specify closed waters in Yakutat Bay east of a line from the easternmost tip of Ocean Cape to the southernmost tip of Point Manby are closed to the taking of scallops

WHAT WILL BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? If this proposal were adopted, the latitude and longitude (in projection WGS 84) for Ocean Cape, and the southernmost tip of Point Manby would be added to the regulation which will provide clarity to the commercial closed waters description.

BACKGROUND: The waters of Yakutat Bay were closed to the commercial dredging for scallops in response to gear conflicts with commercial and subsistence crab and shrimp fisheries in 1992.

DEPARTMENT COMMENTS: The department submitted and SUPPORTS this housekeeping proposal. The proposal was submitted in response to scallop fleet questions.

COST ANALYSIS: This proposal, if adopted, is not expected to result in additional direct cost for the private person to participate.

Geoducks

PROPOSAL 283. 5 AAC 38.142. SOUTHEASTERN ALASKA GEODUCK FISHERY MANAAGEMENT PLAN. Amend the regulation as follows:
Geoduck fishery openings will be on Wednesdays and Thursdays from 9:00 a.m. until 3:00 p.m.

PROPOSED BY: Michael Bangs

WHAT WILL THE PROPOSAL DO? This proposal will change the regulations limiting a weekly geoduck fishery opening to Wednesdays and Thursdays from 9:00 a.m. until 3:00 p.m.

WHAT ARE THE CURRENT REGULATIONS? There are currently no regulations limiting the day(s) of the week a geoduck fishery can occur.

WHAT WILL BE THE EFFECT IF THE PROPOSAL IS ADOPTED? If this proposal were adopted, divers who have both sea cucumber and geoduck permits would be able to participate in both fisheries when the fisheries overlap.

BACKGROUND: Many participants in the dive fisheries hold both sea cucumber and geoduck permits. The two fisheries currently overlap in November and early December. The sea cucumber fishery starts by regulation the first Monday of October and typically runs until late November with Monday and Tuesday openings. The geoduck season may begin the first week in October but openings typically begin the first week of November and continue until early spring. The days of the week a geoduck opening can occur is determined by the paralytic shellfish poisoning (PSP) sampling protocol, which was adopted prior to the 2003-2004 geoduck season. During the 2004-2005 season, after successful PSP testing, the geoduck fishery was generally open on Tuesdays and Wednesdays. PSP testing is often problematic and actual commercial openings may be dependent on when the Palmer Alaska Department of Environmental Conservation (ADEC) lab receives samples. Samples must travel from the fishing grounds to Palmer within three days during the fall and winter months and be tested before a fishery can open.

DEPARTMENT COMMENTS**:** The department is OPPOSED to this proposal. Divers that have both sea cucumber and geoduck permits would generally be able to participate in both fisheries if this proposal is adopted. However, by limiting the days of the week a fishery could occur, fishery managers would have less flexibility dealing with variables such as weather, which can dictate getting clams to the Palmer ADEC lab for PSP testing. Specifying and limiting the actual days the commercial fishery can open will limit the flexibility and opportunity sometimes needed to harvest a more valuable live product. Actual days scheduled for PSP testing and potential commercial harvest are mainly a decision between ADEC and Southeast Alaska Regional Dive Fishery Association (SARDFA) and ALASKA DEPARTMENT OF FISH AND GAME generally accommodates their decisions.

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 284. 5 AAC 38.142. SOUTHEAST ALASKA GEODUCK FISHERY MANAGEMENT PLAN. Amend the regulation as follows:

Geoduck openings shall occur at times so that there is one full day between when DEC certifies an area(s) for the harvest of geoducks and when the opening(s) occurs.

PROPOSED BY: Larry Trani

WHAT WILL THE PROPOSAL DO? This proposal would put into regulations language which would require one full day between when the ADEC certifies an area for harvest and when an opening can occur.

WHAT ARE THE CURRENT REGULATIONS? There are currently no regulations limiting geoduck openings.

WHAT WILL BE THE EFFECT IF THE PROPOSAL IS ADOPTED? If this proposal were adopted, fisherman would have additional time to travel to the fishing grounds once a fishery was announced. In addition this regulation would mandate a travel day between sampling and a fishery being open and take the flexibility of opening out of manager's control.

BACKGROUND: Geoduck samples are generally collected on Sundays from the fishing grounds, shipped to Palmer on Sunday night and arrive at the ADEC lab on Monday morning. PSP testing usually occurs on Monday and fisheries managers are notified Monday afternoon if an area can be open for live harvest. A news release is distributed as soon as possible after the managers are notified of an area passing the PSP testing. ADEC protocol for certifying product for live sale has changed. Fisherman will now have three days to harvest product for live sale in the Ketchikan management area and seven days in the Sitka management area. Prior to the 2005-06 season fishing occurred following the PSP-testing day and harvest for live product was certified for live sale for only two days (Tuesday and Wednesday). ADEC has allowed additional time for harvest so managers will now have the flexibility of allowing for a travel day to the fishing grounds or a harvest day. By allowing an additional day between the announcement of a fishery and an opening, all fishermen would have enough time to transit to the fishing grounds in time for the opening. The geoduck fishery takes place on the outside coast in fall and winter where weather can impede access to the grounds. Previously, ADEC has stated concerns of allowing harvest in certain areas that may be more susceptible to PSP when samples are taken several days before a potential harvest day. If adopted this regulation would mandate a travel day between sampling and a fishery being open and take the flexibility of opening out of manager's control. For the 2005-2006 season, after the department has been notified by ADEC that areas that have passed PSP testing, the department may open the fishery the day after receiving the results or two days after receiving results.

Afterwards, the area will be closed to commercial harvest pending additional PSP testing if the GHL has not been taken. The department, SARDFA, and ADEC meet each Friday morning to discuss the following week's PSP testing and potential openings.

DEPARTMENT COMMENTS: The department is OPPOSED to this proposal. The number of days an area may be open for harvest and any potential interval between commercial openings based on PSP testing is currently agreed to prior to the opening by ADEC, SARDFA, and ALASKA DEPARTMENT OF FISH AND GAME. The ADEC has agreed to this management scenario based on historic PSP testing. Any future ADEC decisions regarding PSP testing may necessitate changes in ALASKA DEPARTMENT OF FISH AND GAME management. Management plans for the 2005-2006 season appear to address the proposer's concern with actual, flexible opening days being decided prior to weekly openings.

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 285: 5 AAC 39.142. SOUTHEASTERN ALASKA GEODUCK FISHERY MANAGEMENT PLAN. Amend the regulation as follows:

The annual geoduck guideline harvest level (GHL) will be equally allotted to each individual with a transferable or nontransferable geoduck permit. Such allotment is the poundage an individual may harvest throughout the current geoduck season.

PROPOSED BY: Larry Trani

WHAT WILL THE PROPOSAL DO? This proposal would allocate an equal portion of the annual Southeast commercial geoduck fishery GHL to registered participants.

WHAT ARE THE CURRENT REGULATIONS? The Southeast Alaska geoduck fishery is currently a limited entry competitive fishery.

WHAT WILL BE THE EFFECT IF THE PROPOSAL IS ADOPTED? If this proposal were adopted, all registered permit holders would be guaranteed an equal share of the harvest each season. Season harvest limits would be established for each registered participant. Divers may have a greater opportunity to harvest product coincident with good market conditions and acceptable PSP levels.

BACKGROUND: A maximum of 112 limited entry permits can participate in the Southeast geoduck clam fishery. Typically fewer than the maximum actually participate each season.

There are currently no individual permit holder harvest restrictions or trip limits applied to geoduck fisheries beyond established GHLs. There are currently 31 separate fishing areas, each with a distinct GHL, in Southeast Alaska. Areas are open on a rotational basis and typically open every other year. The 2005-2006 GHL is 403,800 lbs.

DEPARTMENT COMMENTS: The department is NEUTRAL on this allocative proposal.

If the Board of Fisheries (BOF) chooses to adopt this proposal, the department recommends that the following be considered:

- Individual limits could be established by a registration process. If a registration process is adopted, the department needs the authority to establish a final cut-off date so that individual limits can be established prior to opening a fishery.
- Mandatory logbooks (Proposal 291) should be adopted into regulations. This would allow the department to monitor effort and effectively manage a fishery.
- The department should be allowed to close a fishery if excessive catch and release is occurring (i.e., "high grading"). Appropriate penalties should be established for not delivering all harvested products.
- If individual harvest quotas are established, a mechanism must be developed whereby divers who exceed their quota share are not able to benefit from the excessive harvest. The department suggests that the system in place for the Chatham sablefish equal quota share (EQS) be used as a model for overages. In that system, fishermen may harvest five percent beyond their EQS without penalty, but the overage is deducted from their EQS the next year. Revenues from harvest above the five percent overage are paid to the department and fish tickets documenting an overage are submitted to Alaska Bureau of Wildlife Enforcement for possible citation.
- There may be significant allocative issues concerning who may harvest from specific fishing areas as quality, ease of harvest and PSP levels vary greatly among areas. The geoduck fishery consists of numerous discrete, often small beds, increasing the potential for overharvest if too many divers harvest from a limited area. An area may not be opened as planned if too many divers register for a single small area and the department does not feel it can effectively manage the fishery

If an equal share quota system is established the management of the fishery is expected to become increasingly complex when combined with the PSP testing requirements and will result in additional workload for staff.

COST STATEMENT: Management of the geoduck fishery under an equal share quota type system may increase the department's cost to manage the fishery due to pre-fishery registration needs, allocations, coordination, and increased monitoring over a potentially longer period. If costs for management of this type of fishery are obtained through SARDFA, then this may indirectly increase the cost for a private person to participate in this fishery.

Table 285-1. Recent geoduck commercial harvest and GHL by season.

Season	Guideline Harvest Levels (lb)	Total Pounds Harvested	Number of Divers	Average Pounds per Diver
2001-2002	285,322	283,405	37	7,711
2002-2003	382,100	392,406	50	7,642
2003-2004	341,000	377,584	49	6,959
2004-2005	477,000	535,516*	61	7,819

* excludes harvest from 2005 mariculture fisheries

PROPOSAL 286. 5 AAC 38.142(1). Southeastern Alaska Geoduck Fishery Management Plan. Amend the regulation as follows:

(l) The following waters [IN DISTRICT 1] are closed to the commercial taking of geoducks:

(1) **in District 1**, waters of Grant Cove, and contiguous waters . . .

(2) **in District 1**, waters east of a line from Indian Point . . .

(3) **repeal**. [WATERS OF PORT MAYORAL . . . . . POINT SAN LEONARDO (55°24.25' N. LAT.).]

(4) in District 1, in the waters of Nichols Passage north of a line from the southernmost tip of Dall Head, located on the southernmost tip of Gravina Island, to the easternmost tip of Cedar Point, located on the western shore of Annette Island, and south of a line from the southernmost tip of Gravina Point, located on the southeast shore of Gravina Island, to the northernmost tip of Walden Point, located on the northwesternmost tip of Annette Island,

(5) in District 3, waters of Port Mayoral that are north . . .

(6) in District 13, all waters of Kliuchevoi Bay east of a line from 55°50.400 N. lat., 135°22.517' W. long. to 56°50.200' N. lat., 135°22.683' W. long.,

(7) in District 13, all waters within the unnamed bay located southeast of Frosty Reef east of a line from 56°52.817' N. lat., 135°22.933' W. long. to 56°52.700' N. lat., 135°22.983' W. long. to 56°52.633' N. lat., 135°22.983' W. long.

(8) Those waters identified as permitted geoduck mariculture sites are closed to the commercial harvest of geoduck clams.

PROPOSED BY: Alaska Department of Fish and Game

WHAT WILL THE PROPOSAL DO? The proposal seeks to clarify existing commercial closed waters definitions and close new areas to the commercial harvest of geoduck clams. There are four elements to this proposal. They are listed as items a – d and discussed separately below.

a) Correct errors in existing regulations. The Port Mayoral control site is incorrectly identified as being within District 1. It is in District 3.

b) Close areas in District 13, which have been closed by emergency order since the inception of the geoduck fishery in this area in 1998. These areas are closed due to ADEC water quality concerns.
c) Establish a geoduck clam control area in Nichols Passage.
d) Close areas with geoduck mariculture leases to the commercial harvest of geoduck clams. Commercial harvest of other species (e.g., sea cucumbers) will still be allowed on these sites.

WHAT ARE THE CURRENT REGULATIONS? Only item "a" above is addressed in regulations. 5 AAC 38.142(l) The following waters in District 1 are closed to the commercial taking of geoducks:

(3) waters of Port Mayoral that are north of the latitude . . ..

WHAT WILL BE THE EFFECT IF THE PROPOSAL IS ADOPTED?

a) Correct an error in the regulations.
b) Closure of areas in District 13 via emergency order will no longer be necessary.
c) Establish a second control area in Southeast Alaska for geoduck clams. This will close an area in District 1 by regulation to the commercial harvest of geoduck clams. The area is not adequate to support a commercial fishery but sufficient clams are available for use as a control area.
d) Protect mariculture sites from disruptions created by a commercial geoduck fishery. If this proposal is adopted areas coincident with permitted geoduck mariculture sites will be closed to the commercial harvest of geoduck clams.

BACKGROUND:

a) This change corrects an error in regulation and is considered housekeeping.
b) The ADEC requires that geoduck clams not be harvested for food consumption from Kliuchevoi Bay and the unnamed bay east of Frosty Reef due to water quality concerns. These waters have never been surveyed or opened to commercial geoduck harvest. These closed waters are currently written into every Emergency Order opening this fishery. As such, this is considered housekeeping.
c) Establish an additional control area for geoduck clams in Southeast Alaska. There is currently only one control area in Southeast Alaska which was established by the BOF in 2003. Limited numbers of geoducks in the Nichols Passage area preclude a commercial fishery. Control areas are established for conservation and research purposes where changes in geoduck populations due to environmental variability can be monitored exclusive of a commercial fishery. The proposed control area is in a different geographic area (District 1) of Region I than the existing control area (District 3). Currently the proposed closed waters are also used as a control site for both red sea urchins and sea cucumbers and are closed to the commercial harvest of these species (Figure 286-1).

d) Sites leased for geoduck clam mariculture within Southeast Alaska should be closed to commercial harvest. Closing permitted sites will prevent disruption of planted spat and farming operations. This does not prevent the harvest of other species on these sites (e.g. sea cucumbers) as addressed under the Alaska Coastal Management Program. These areas are currently closed by emergency order, as needed. Mariculture sites are leased and when operations cease will be incorporated back into open water of a commercial fishery. By creating a regulation that closes mariculture sites, commercial fisheries managers will not be required to identify and close individual sites by emergency order. During each of the last two geoduck season fishing boundaries have had to be amended due to the presence of permitted mariculture sites (Figure 286-2). The department anticipates additional mariculture sites being permitted in areas where industry reconnaissance has been completed but funding unavailable to survey and open new commercial fisheries (Figure 286-3). If these areas are surveyed and commercial fisheries develop mariculture site that have been permitted within them must be closed to commercial harvest to protect the lease holders' interests.

DEPARTMENT COMMENTS: SUPPORT. The department considers the clarification of Port Mayoral, closure of portions of District 13, and permitted mariculture site area closures as housekeeping.

COST STATEMENT: The approval of this proposal is not expected to result in additional direct cost for a private person to participate in this fishery.

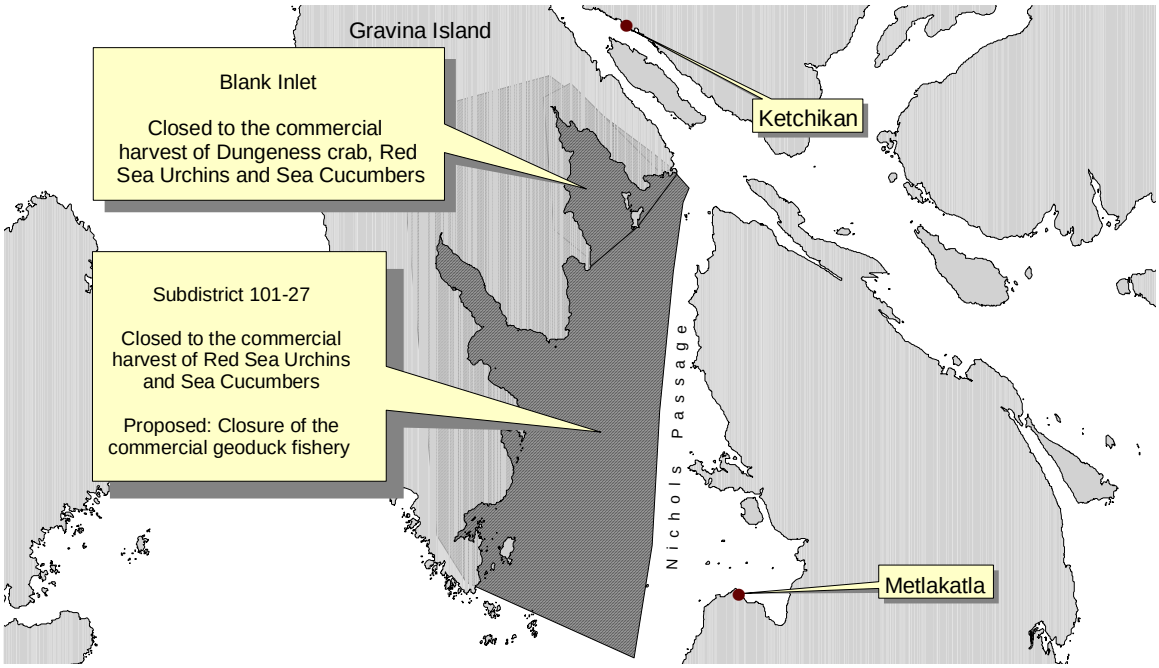

Figure 286-1. Closed area for sea cucumbers and red sea urchins within Subdistrict 101-27. If adopted all of Subdistrict 101-27 would also be closed to the commercial harvest of geoduck clams.

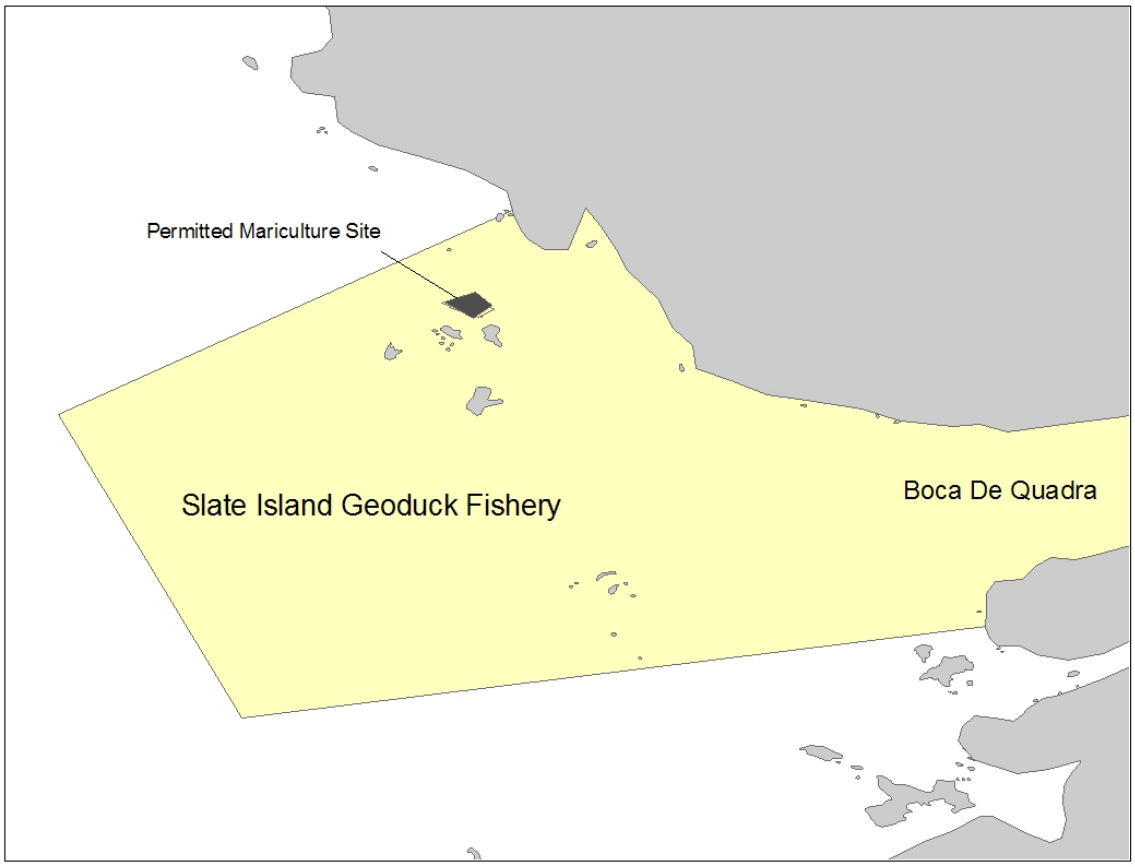

Figure 286-2. A mariculture site which exists within the Slate Island commercial fishery (see Figure 286-3 for location). The Slate Island fishery was first opened during the 2004-05 after the mariculture site was permitted. The department had to close the site to fishing by emergency order during the 2004-2005 season.

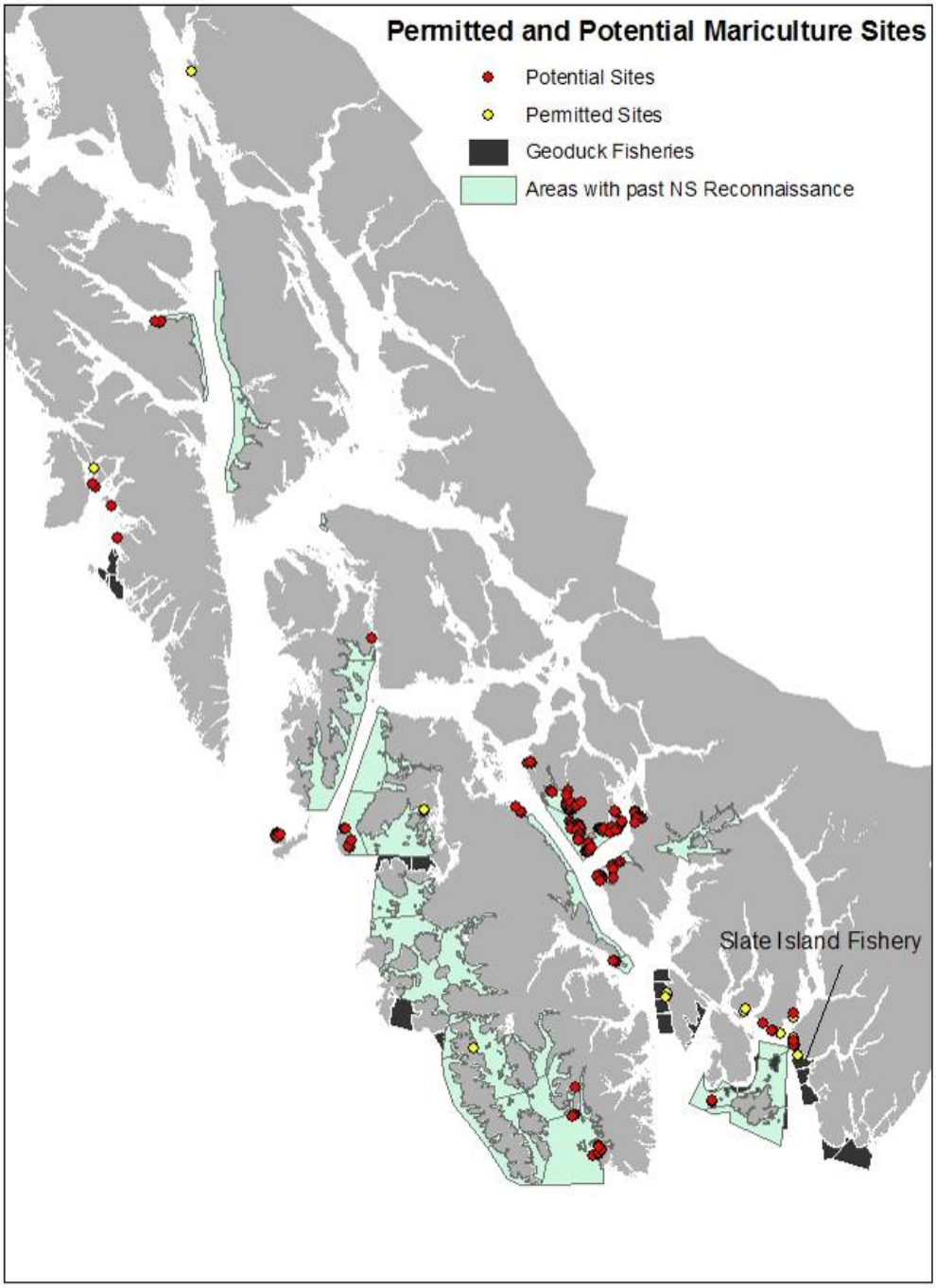

Figure 286-3. Permitted and potential mariculture sites within Southeast Alaska including historic reconnaissance from Nearshore (NS) funding and existing fisheries.

Sea Cucumbers

PROPOSAL 293. 5 AAC 38.140(b). Southeastern Alaska Sea Cucumber Management Plan. Amend the regulation as follows:

The season for Southeast Alaska sea cucumber fishery will start in October on the first Sunday. Harvest days and ties will be: Sunday 8:00 a.m. to 3:00 p.m. and Monday 8:00 a.m. to 12:00 noon.

PROPOSED BY: Michael Bangs

WHAT WILL THE PROPOSAL DO? This proposal would change the open fishing period from the first Monday in October to the first Sunday in October with openings on Sunday/Monday instead of Monday/Tuesday.

WHAT ARE THE CURRENT REGULATIONS? 5 AAC 38.140(b)

(1) the fishing period in October will occur during periods set by the commissioner by emergency order; the fishing periods will be on Mondays from 8:00 a.m. to 3:00 p.m. and on Tuesdays from 8:00 a.m. to 12:00 noon;
(2) the fishing periods from November through March will occur during daylight hours on Monday and one-half of the daylight hours on Tuesday each week . . ..

WHAT WILL BE THE EFFECT IF THE PROPOSAL IS ADOPTED? This proposal seeks to open the commercial sea cucumber fishery on the first Sunday in October instead of the first Monday, with subsequent openings occurring on Sunday/Monday instead of the current Monday/Tuesday.

BACKGROUND: In 1990 the Sea Cucumber Management Plan provided for a season that began October 1 with two 48-hour openings per week. The season was changed to a November opening in 1993, and in order to extend the season, weekly fishing periods were reduced to seven daylight hours on Mondays in November, plus an additional four daylight hours on Tuesdays from December through March.

The Sea Cucumber Management Plan was amended by the BOF for the 1997-1998 season and provided for an October 1 opening date with weekly fishing periods of seven daylight hours on Mondays in October, plus an additional four daylight hours on Tuesdays from November through March.

During the January 2000 BOF meeting the weekly fishing period was amended providing for a Monday, 8:00 a.m. to 3:00 p.m. and Tuesday 8:00 a.m. to 12:00 p.m. opening in October (i.e. opening an additional half-day in October).

The current 1.5-day, daylight only, openings were established to slow down the fishery and make it more manageable, especially for small quotas.

DEPARTMENT COMMENTS: The department is NEUTRAL on this proposal. It is not known what effect, if any, would occur in the sea cucumber commercial fishery if this proposal is adopted. The proponent cites conflicts of weekly sea cucumber openings with geoduck openings. The department works closely with the Southeast Alaska Regional Dive Fisheries Association (SARDFA) and the Department of Environmental Conservation (ADEC) in determining PSP testing and subsequent potential commercial geoduck openings and will continue to do so in the future. If this proposal were adopted there may be increased effort in the cucumber fishery as a result of reduced conflict between the geoduck and cucumber fisheries.

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.

PROPOSALS 294, 295 and 296. 5 AAC 38.140(b). SOUTHEAST ALASKA SEA CUCUMBER MANAGEMENT PLAN. Amend the regulation as follows:

Proposals 294 and 295: (b)(1) the fishing periods in October will occur during periods set by the commissioner by emergency order; the fishing periods will be on Monday from 8:00 a.m. to 3:00 p.m. and on Tuesdays from 8:00 a.m. to **3:00 p.m.**[12:00 NOON].

Proposal 295: (b)(2) the fishing periods from November through March will occur during daylight hours on Monday and [ONE-HALF OF THE DAYLIGHT HOURS ON] Tuesday each week during periods set by the commissioner by emergency order; these fishing periods may be extended by emergency order to obtain the guideline harvest level.

Proposal 296: (b)(1) the fishing periods from November through March will occur during daylight hours on Monday[S] **through Friday** from 8:00 a.m. to 3:00 p.m. [AND ON TUESDAYS FROM 8:00 A.M. TO 12:00 NOON];
(2) the fishing periods from November through March will occur during daylight hours on Monday **through Friday** [AND ONE-HALF OF THE DAYLIGHT HOURS ON TUESDAY] each week during periods set by the commissioner by emergency order; these fishing periods may be extended by emergency order to obtain the guideline harvest level.

PROPOSED BY: Norman Hughes (proposal 294) and Patrick M. Cassin (proposal 295 and proposal 296)

WHAT WILL THE PROPOSAL DO? These proposals seek to expand the weekly commercial fishing period for sea cucumbers. Two proposals (294 & 295) seek to expand the daily fishing period on Tuesday, and proposal 296 seeks to expand the weekly fishing period.

WHAT ARE THE CURRENT REGULATIONS? 5 AAC 38.140(b)

(1) the fishing period in October will occur during period set by the commissioner by emergency order; the fishing periods will be on Mondays from 8:00 a.m. to 3:00 p.m. and Tuesdays from 8:00 a.m. to 12:00 noon.
(2) The fishing periods from November through March will occur during daylight hours on Monday and one-half of the daylight hours on Tuesday each week during periods set by the commissioner by emergency order; these fishing periods may be extended by emergency order to obtain the guideline harvest level.

WHAT WILL BE THE EFFECT IF THE PROPOSAL IS ADOPTED? If this proposal were adopted, the department would open the sea cucumber fishery for three additional hours on Tuesdays (Proposals 294 & 295) or the fishery would be open Monday through Friday (Proposal 296). If harvest increases proportionally with time allowed then an increase of 27 percent (i.e. from 11 to 14 hr per week openings), or 218 percent (i.e. from 11 to a 35 hr per week opening) in weekly harvest rates could be expected.

BACKGROUND: Initially (1990) the Sea Cucumber Management Plan provided for a season that began October 1 with two 48-hour openings per week. The season was changed to a November opening in 1993, and in order to extend the season, weekly fishing periods were reduced to seven daylight hours on Mondays in November, plus an additional four daylight hours on Tuesdays from December through March. The BOF also adopted the 2,000 pound per opening limit during the November 1993 meeting as a further means to slow down this fishery.

The Management Plan was amended by the BOF for the 1997-1998 season and provided for an October 1 opening date with weekly fishing periods of seven daylight hours on Mondays in October, plus an additional four daylight hours on Tuesdays from November through March.

During the January 2000 BOF meeting the open weekly fishing period was amended for a Monday, 8:00 a.m. to 3:00 p.m. and Tuesday 8:00 a.m. to 12:00 p.m. opening in October (i.e. opening an additional half-day in October).

During the early years of the sea cucumber fishery, participation increased until it grew into a “derby” style fishery. A temporary moratorium on new entrants into the fishery was established in 1996 and in 2002 CFEC limited the maximum number of limited entry sea cucumber permit holders to 436. The BOF agreed with the department that something needed to be done to slow down the “derby” style fishery. The department, in consultation with industry, initially established the Monday only fishery in October as one of the tools to slow down the fishery and extend the fishery further over the course of the season. Additional fishing time will result in shorter seasons and possibly make management of areas with small quotas more difficult as diver efficiency has increased over the years as indicated by increased catch per unit effort (Table 294-1).

DEPARTMENT COMMENTS: The department is OPPOSED to this proposal. The department opposes increasing fishing time by regulation region-wide because it would make management of areas, especially those with small quotas, more difficult.

The department does support granting the department the flexibility to extend fishing time by emergency order in areas where low participation results in greatly extended seasons. The department already has the authority to increase fishing time by emergency order November through March. However, the department does cautiously apply this authority since there may be allocative consequences if GHLs are being managed outside of the days and time established in regulation. The authority to increase fishing time is used to ensure that fishermen have the opportunity to harvest established GHLs by the close of the season. (Note: this is based on actions taken in 2005 in relation to trip limits but also related to amount of time.)

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 294-1. Catch and effort per opening during the first four weeks of the cucumber fishery per season.

Week		1996-97	1997-98	1998-99	1999-2000	2000-01	2001-02	2002-03	2003-04	2004-05
1	Divers	227	180	149	143	193	220	175	165	161
	Harvest (lb)	145,080	150,817	130,350	143,786	288,523	296,596	244,146	254,954	217,443
	Harvest / Diver	639	838	875	1,005	1,495	1,348	1,395	1,545	1,351
2	Divers	220	164	173	147	189	214	187	184	194
	Harvest (lb)	157,817	139,346	189,271	135,903	284,690	300,928	260,927	298,440	257,168
	Harvest / Diver	717	850	1,094	925	1,506	1,406	1,395	1,622	1,326
3	Divers	186	155	153	162	194	192	176	179	167
	Harvest (lb)	133,837	150,068	140,651	172,309	312,643	254,092	250,026	220,681	258,727
	Harvest / Diver	720	968	919	1,064	1,612	1,323	1,421	1,233	1,549
4	Divers	126	164	150	113	181	193	155	136	165
	Harvest (lb)	69,358	169,759	169,556	107,705	229,414	284,869	231,927	207,295	245,848
	Harvest / Diver	550	1,035	1,130	953	1,267	1,476	1,496	1,524	1,490
	Days Open	1	1	1	1	1.5	1.5	1.5	1.5	1.5
	Season Quotas									
	All Areas				1,578,040	1,122,500	1,425,200	1,575,210	1,637,700	1,381,200
	Smallest Area				23,929	24,300	26,400	13,400	23,300	17,200
	Largest Area				468,020	297,200	251,800	339,800	360,400	270,300

PROPOSAL 297. 5 AAC 38.140(k)(B). Southeast Alaska Sea Cucumber Management Plan. Amend the regulations as follows:

Remove the following from closed waters:
The waters of 3-B that are east of a line from the shore of Prince of Wales Island at 55º 34.62 N. lat., 103º 15.05 W. long., due south to the westernmost point of Point Ildofonso, to the Fern Reef buoy, to Point Eugenia, to Point Miliflores to Tranquil Point. Trocadero Bay, Doyle Bay, Madre de Dios Island, Toti Island, Culebrina Island and the Ladrone Islands will be open east of a line from Point Miraballos to a point located one-half mile due west of the westernmost side of Toti Island, to a point located one-half mile due west of the northwestern tip of Madre de Dios Island, to a point located one-half mile due west of the southwest tip of Madre de Dios Island to a point that intersects with the longitude of the easternmost side of Madre de Dios Island and then due south to a point on Prince of Wales Island at 55º 22.66 N. lat., 133º 07.01 W. long.

PROPOSED BY: Southeast Alaska Regional Dive Fisheries Association

WHAT WILL THE PROPOSAL DO? Redefine waters closed to the commercial harvest of sea cucumbers in San Alberto Bay, and Bucareli Bay (Subdistrict 103-60, Figure 297-1).

WHAT ARE THE CURRENT REGULATIONS? 5 AAC 38.140(k)(3) District 3:
(B) the waters of Section 3-B that are east of a line from the southernmost tip of St. Phillips Island to the westernmost tip of Point Animas, and east of a line from the southernmost tip of Point Amargura to the northernmost tip of Cape Flores, and north of the latitude of the southernmost tip of Joe Island.

WHAT WILL BE THE EFFECT IF THE PROPOSAL IS ADOPTED? If this proposal were adopted, waters currently closed to the commercial harvest of sea cucumbers would be opened with a new fishery in Subdistrict 103-60 and extended open area in Subdistricts 103-50 and 103-70.

BACKGROUND: Waters closed to the commercial harvest of sea cucumbers were adopted by the BOF during its January/February 1991 meeting where the sea cucumber management plan was adopted. Closed waters were established to serve as unexploited controls for fishery evaluation experiments by providing undisturbed populations for study of ecological relations and important life history events. Closed waters also serve to satisfy subsistence needs by providing an area, accessible to communities, that is closed to commercial harvest. Additionally, closed waters likely serve as refuges for sea cucumber broodstock, which are assumed to provide a positive, but unknown, contribution to larval production.

The department established a control site (Figure 297-1) in portions of this closed area in 1998 and has resurveyed the site every year since (total of 8 years of surveys). The remaining portions of this area have not been surveyed by the department and have not

been opened to commercial harvest. There are currently five sea cucumber control sites in Southeast Alaska that are surveyed annually.

DEPARTMENT COMMENTS: The department is NEUTRAL on this potentially allocative proposal. Reducing the commercial closed waters in this area may impact subsistence opportunity for sea cucumbers in this area. The proposed lines do not compromise the department's control site.

If this proposal is adopted the department recommends the following language to help clarify the closed water boundaries for this area (Figure 297-1):

(k)(B) those waters of Section 3-B that are east of a line from a point on Prince of Wales Island located at 55°34.564' N. latitude, 133°13.652' W. longitude (located approximately 0.6 nmi northeast of Sombrero Island), to Fern Reef buoy, then to Point Eugenia, and north of a line from the northernmost tip of Point Miliflores to Point Miraballes and including those waters of Port St. Nicholas which are also closed; and those waters of Port Caldera, Prince of Wales shoreline, and contiguous waters east of 133°13.630' W. longitude (located approximately 0.1 nmi west of the northernmost tip of Tranquil Point) and west of 133°07.000' W. longitude (located approximately 1.15 nautical miles east of Point Iphigenia).

COST STATEMENT: The approval of this proposal is not expected to result in additional direct cost for a private person to participate in this fishery.

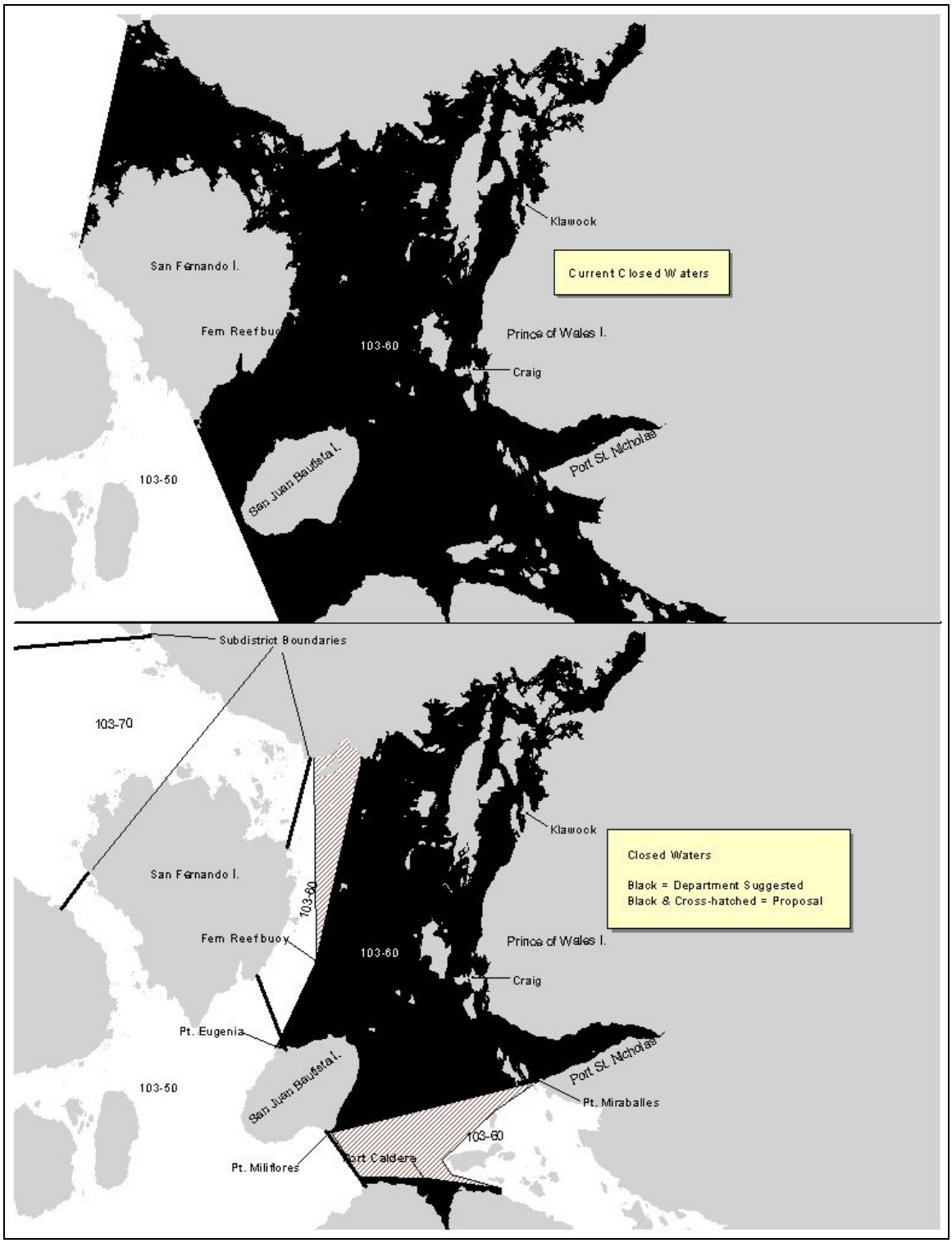

Figure 297-1. Current closed waters, proposed closed waters, and department-suggested closed waters in Subdistrict 103-60.

PROPOSAL 298 5 AAC 38.140(k). Southeast Alaska Sea Cucumber Management Plan. Amend the regulation as follows:

Open the waters described in 5 AAC 38.140(k)(9) for commercial harvest of sea cucumbers.

PROPOSED BY: Southeast Alaska Regional Dive Fisheries Association

WHAT WILL THE PROPOSAL DO? Open the waters of Kasnyku Bay and contiguous waters (Hidden Falls salmon hatchery) that are currently closed to the commercial harvest of sea cucumbers.

WHAT ARE THE CURRENT REGULATIONS? 5 AAC 38.140(k)
(9) District 12: . . . and the waters in Chatham Strait along the Baranof Island shore south of the latitude of South Point and north of 57°07.50' N. lat. (southern entrance of Takatz Bay), excluding Kelp Bay.

WHAT WILL BE THE EFFECT IF THE PROPOSAL IS ADOPTED? If this proposal is adopted, and following a current biomass assessment, the area could potentially be opened to commercial harvest.

BACKGROUND: Waters closed to the commercial harvest of sea cucumbers were adopted by the BOF during its January/February 1991 meeting where the sea cucumber management plan was adopted. Generally, closed waters were established to serve as unexploited controls for the fishery evaluation experiments by providing undisturbed populations for study of ecological relations and important life history events. Closed waters also serve to satisfy subsistence needs by providing an area, accessible to communities, that is closed to commercial harvest.

Cosmos Cove and Takatz Bay (Figure 298-1) were surveyed by the department in 2000 as a potential sea cucumber control area (the Hidden Falls area was not surveyed). Due to the relatively low density estimate, this area was not included as a control site and no additional sea cucumber surveys have occurred in the area. This area has not been opened to commercial harvest.

The Hidden Falls area was initially closed due to concerns about a sea cucumber commercial fishery interfering with hatchery operations and possible use as a control site.

DEPARTMENT COMMENTS: The department SUPPORTS this proposal. The department now believes that a sea cucumber commercial fishery would not interfere with hatchery operations and the area will not be used as a control site. If this proposal were adopted, the department would include this area in the existing Chatham Strait and Kelp Bay (Subdistricts 112-11 and 21) commercial sea cucumber fishery.

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.

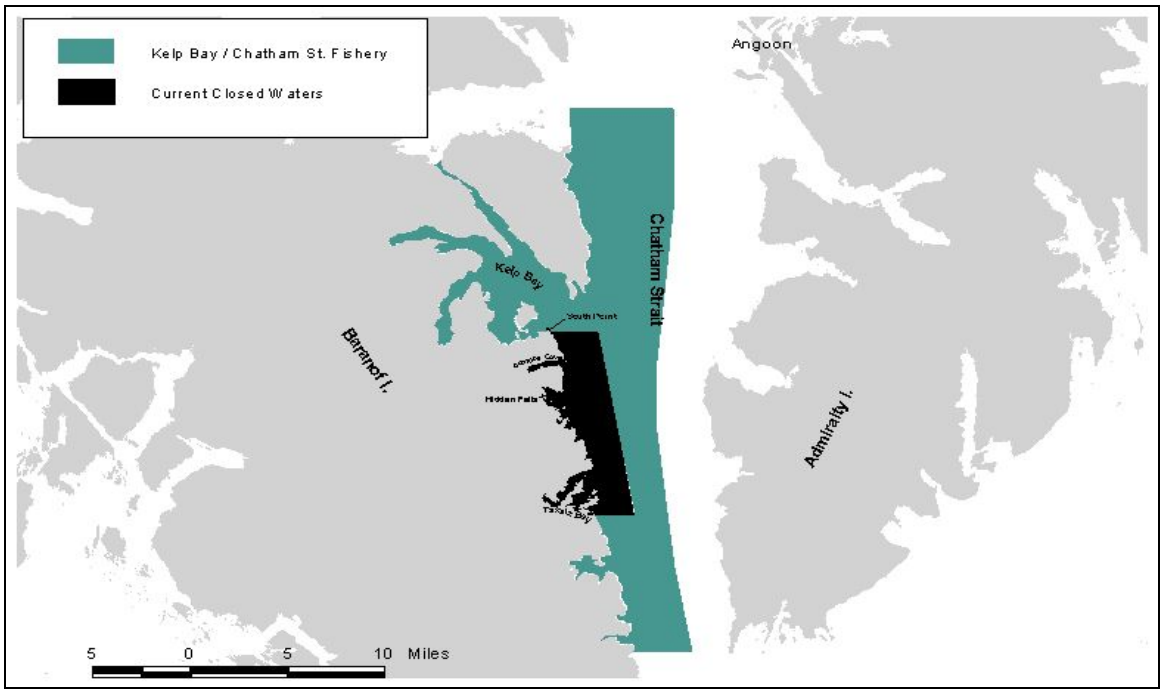

Figure 298-1. Current fishery and closed waters proposed to be opened to commercial sea cucumber harvest.

PROPOSAL 299. 5 AAC 38.140. SOUTHEAST ALASKA SEA CUCUMBER MANAGEMENT PLAN(k)(10)(B). Amend the regulations as follows:

(k)(10) District 13:

(B) the waters of Section 13-B in Whale Bay east of a line from North Cape to Point Lauder and a portion of Sitka Sound in Subdistricts 113-40 and 113-41 east of a line from the northern entrance to Deep Inlet at 56° 59.62' N. lat., 135° 18.67' W. long., to the westernmost tip of Long Island to Bieli Rock to Dog Point;

PROPOSED BY: Alaska Department of Fish and Game

WHAT WILL THE PROPOSAL DO? This proposal would correct the closed waters section for the commercial harvest of sea cucumbers in District 113.

WHAT ARE THE CURRENT REGULATIONS? 5 AAC 38.140(k)(10)
(B) the waters of Section 13-B in Whale Bay east of a line from North Cape to Point Lauder and a portion of Sitka Sound in Subdistrict 113-41 east of a line from the northern entrance to Deep Inlet at 56° 59.62' N. lat., 135° 18.67' W. long., to the westernmost tip of Long Island to Bieli Rock to Dog Point;

WHAT WILL BE THE EFFECT IF THE PROPOSAL IS ADOPTED? If this proposal were adopted, it would correct inaccurate language currently in regulation.

BACKGROUND: Sixteen areas are defined in regulation as closed waters for the commercial harvest of sea cucumbers.

On February 4, 2003 Subdistrict 113-41 was changed by the ADFG Stat Area Board Committee to include two Subdistricts, 113-40 and 113-41. With this subdistrict modification the current description of closed waters in Section 13-B became inaccurate.

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 300. 5 AAC 38.140. SOUTHEAST ALASKA SEA CUCUMBER MANAGEMENT PLAN(k)(3). Amend this regulation as follows:

(3) District 3: the waters of Section 3-A that are north and east of a line from Halibut Nose to a point on Sukkwan Island at 55° 09.27' N. lat., 132° 53.77' W. long., north of a line from the southernmost tip of Sukkwan Island to a point on Prince of Wales Island at 54° 59.53' N. lat., 131° 36.73' W. long., and west of a line from a point on Prince of Wales Island at 55° 08.95' N. lat., 132°38.47' W. long., [132° 28.05'] located in Hetta Inlet approximately 1.1 [1.2] nautical miles northeast of Eek Pt., to a point at 55° 03.25' N. lat., 132° 38.80' W. long., located approximately 0.6 nautical miles west of Lime Point, to a point on Prince of Wales Island at 54° 59.53' N. lat., 132° 36.73' W. long.;

WHAT WILL THE PROPOSAL DO? This proposal will change inaccuracies in the description of the closed waters section for commercial sea cucumber harvest in section 3-A.

WHAT ARE THE CURRENT REGULATIONS? 5 AAC 38.140(k)(3)
(A) the waters of Section 3-A that are north and east of a line from Halibut Nose to a point on Sukkwan Island at 55° 09.27' N. lat., 132° 53.77' W. long., north of a line from the southernmost tip of Sukkwan Island to a point on Prince of Wales Island at 54° 59.53' N. lat., 131° 36.73' W. long., and west of a line from a point on Prince of Wales Island at 55° 08.95' N. lat., 132° 28.05' W. long., located in Hetta Inlet approximately 1.2nautical miles northeast of Eek Pt., to a point at 55° 03.25' N. lat., 132° 38.80' W. long., located approximately 0.6 nautical miles west of Lime Point, to a point on Prince of Wales Island at 54° 59.53' N. lat., 132° 36.73' W. long.;

WHAT WILL BE THE EFFECT IF THE PROPOSAL IS ADOPTED? If this proposal were adopted, it would correct inaccurate language in regulations.

BACKGROUND: Sixteen areas in regulation are defined as closed waters for the commercial harvest of sea cucumbers.

The closed water description was modified by the BOF in 2002-2003 but was described incorrectly.
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.

Red Sea Urchins

PROPOSAL 287. 5 AAC 39.130(n). REPORTS REQUIRED OF PROCESSORS, BUYERS, FISHERMEN, AND OPERATORS OF CERTAIN COMMERCIAL FISHING VESSELS; TRANSPORT REQUIREMENTS. Amend the regulation as follows:

(n) In Statistical Area A, **the commissioner may require** a person **to**[SHALL] obtain...

PROPOSED BY: Patrick M. Cassin

WHAT WILL THE PROPOSAL DO? This proposal will allow unprocessed red sea urchins to leave statistical area A (Southeast Alaska) without requiring a transport permit.

WHAT ARE THE CURRENT REGULATIONS? 5 AAC 39.130.
(n). In Statistical Area A, a person shall obtain a transport permit from the department before transporting unprocessed red sea urchins from Statistical Area A. Before issuing a transport permit, a department employee or representative shall inspect the unprocessed urchins and the fish tickets, and take biological samples of the urchins. The department shall conduct the inspections and sampling in Ketchikan or at other locations specified by the department. A person shall request the inspections and sampling by contacting the department office in Ketchikan in person, by telephone, or by radio from 8:00 a.m. through 4:30 p.m. Monday - Friday, excluding state holidays.

WHAT WILL BE THE EFFECT IF THE PROPOSAL IS ADOPTED? If this proposal were adopted, the commissioner may allow processors to transport unprocessed red sea urchins out of Statistical Area A without requiring a transport permit.

BACKGROUND: A task force representing processors, divers, local governments, and the department developed the red sea urchin management plan as a public process beginning in May 1996. The plan follows guidelines of the "High Impact Emerging Fishery" regulation (5 AAC 39.210). The BOF adopted the red sea urchin management plan during its January 1997 meeting in Sitka. Part of that management plan was the creation of transport permits to provide for biological sampling of harvest data.

Transport permits have been issued in Ketchikan and Craig at the time fish tickets were collected and urchin weights were taken for biological sampling. After the initial year where 41 percent of the harvest was sent out of state unprocessed (Table 287-1), the number of issued transport permits has decreased significantly. No transport permits were issued during the 2004-2005 season.

Some members of the industry are concerned that the transport permit is now a burden to the fishery and must be removed to entice new processors.

DEPARTMENT COMMENTS: The department SUPPORTS this propsosal. The department would require that all fish tickets are given to ADFG prior to the vessel departing state waters and would keep the option to require a transport permit if sampling needs are not met. The department's primary concern is the need to have sufficient product landed in a shore-based processor to get accurate and random biological samples. The transport permit could be eliminated providing there is sufficient product landed in the communities of Ketchikan and Craig for biological sampling.

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 287-1. Number of transport permits issued in the commercial red urchin fishery, 1996-2004.

	1996-97	**1997-98**	**1998-99**	**1999-00**	**2000-01**	**2001-02**	**2002-03**	**2003-04**	**2004-05**
Number Transport Permits Issued	120	28	1	2	0	4	3	0	0
Total Unprocessed Red Urchins Transported Out Of State (pounds)	2,008,982	713,907	20,772	52,755	0	54,410	65,094	0	0
Percent of Total Harvest Processed Out Of State	41	18	1	2	0	2	2	0	0
Number of Processors Located in Alaska	13	7	5	5	4	3	2	2	2
GHL (pounds)	6,093,579	4,255,364	4,641,300	5,567,300	6,806,700	5,689,300	5,309,900	5,095,100	5,518,300
Amount Harvested (pounds)	4,927,954	4,021,596	3,072,846	2,672,328	2,373,993	3,064,191	3,579,493	2,834,872	1,808,680
Percent GHL Unharvested	19	5.5	34	52	65	46	33	44	67

PROPOSAL 288. 5 AAC 38.145(d). SOUTHEASTERN ALASKA RED SEA URCHIN MANAGEMENT PLAN. Amend the regulation as follows:

(d) Red sea urchins may be taken only during periods established by emergency order, and from October through March, only from 8:00 a.m. through 3:00 p.m. and from April through September, only from 5:00 a.m. through 8:00[7:00] p.m.

PROPOSED BY: Patrick M. Cassin

WHAT WILL THE PROPOSAL DO? This proposal will change the open hours for commercial red sea urchin fishing in April through September to 5:00 a.m. to 8:00 p.m., increasing the daily hours by one hour.

WHAT ARE THE CURRENT REGULATIONS? 5 AAC 38.145.
(d) Red sea urchins may be taken only during periods established by emergency order, and from October through March, only from 8:00 a.m. through 3:00 p.m. and from April - September, only from 5:00 a.m. to 7:00 p.m.

WHAT WILL BE THE EFFECT IF THE PROPOSAL IS ADOPTED? If this proposal were adopted, commercial red sea urchin fishers will be able to fish for one additional hour during April through September.

BACKGROUND: A task force representing processors, divers, local governments, and the department developed the red sea urchin management plan as a public process beginning in May 1996. The plan follows guidelines of the "High Impact Emerging Fishery" regulation (5 AAC 39.210). The BOF adopted the red sea urchin management plan during its January 1997 meeting in Sitka. Part of that management plan was the creation of open hours. Initial hours were two standard periods, 8:00 a.m. - 3:00 p.m. (October - March) and 5:00 a.m. to 7:00 p.m. (April - September). These hours were instituted to slow the pace of the fishery, and to facilitate enforcement.

The BOF considered a proposal seeking to mirror red urchin fishing times on daylight hours in 2000. The BOF determined that linking fishing time to match increasing daylight hours would be confusing and create enforcement problems. The department committed to increase open hours by emergency order as daylight increases.

During recent years the department has modified open periods several times throughout each season at the request of the industry.

DEPARTMENT COMMENTS: The department SUPPORTS this proposal. The pace of the commercial red sea urchin fishery has been slower than anticipated since the creation of the management plan. During the last few years the department has worked with industry to allow harvest during daylight hours. This proposal would decrease the need for the department to change the hours by emergency order.

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 289 5 AAC 38.145(n). SOUTHEASTERN ALASKA RED SEA URCHIN MANAEMENT PLAN. Amend the regulation as follows:

(n) A vessel that is used for the processing of red sea urchins must carry an onboard observer as specified in 5 AAC 39.141 - 5 AAC 39.143 and 5 AAC 39.645 if unprocessed red sea urchins are on board that vessel. [UNTIL OCTOBER 1, 2006] **T**[T]he commissioner may, instead of requiring an onboard observer under this section, require that the processing of red sea urchins be conducted under a permit issued by the commissioner with the following conditions:…

PROPOSED BY: Patrick M. Cassin

WHAT WILL THE PROPOSAL DO? Delete the sunset clause in the regulation allowing a permit by the commissioner to process red sea urchins onboard a vessel without using an onboard observer.

WHAT ARE THE CURRENT REGULATIONS? 5 AAC 38.145.
(n) A vessel that is used for the processing of red sea urchins must carry an onboard observer as specified in 5 AAC 39.141- 5 AAC 39.143 and 5 AAC 39.645 until October 1, 2006, the commissioner may, instead of requiring a onboard observer under this section, require that the processing of red sea urchins be conducted under a permit issued by the commissioner with the following conditions:

(1) each person shall keep the processed red sea urchins taken from different fishing districts or subdistricts in separate containers, and separate from any others person's processed red sea urchins; the person shall clearly mark each container with the district or subdistrict from which the urchins were taken and the name of the person who took the urchins;
(2) all red sea urchins must be processed on board the vessel that harvested the urchins;
(3) no more than two persons may process red sea urchins on board a vessel under this subsection;
(4) a person may process only the red sea urchin harvested by that person;
(5) any other conditions the commissioner deems necessary for the conservation and management of an orderly fishery.

WHAT WILL BE THE EFFECT IF THE PROPOSAL IS ADOPTED? If this proposal were adopted, the regulation allowing the commissioner to issue processing permits for catcher processors in the red sea urchin fishery would be continued.

BACKGROUND: A task force representing processors, divers, local governments, and the department developed the red sea urchin management plan as a public process beginning in May 1996. The plan follows guideline of the "High Impact Emerging Fishery" regulation (5 AAC 39.210). The BOF adopted the red sea urchin management

plan during its January 1997 meeting in Sitka. Part of that management plan was the requirement for onboard observers on vessels used to process sea urchins to ensure biological sample collection, to prevent "high-grading", and to assure accurate harvest accounting.

The BOF considered this issue during the 2003 meeting. Due to department concerns about collecting biological data, under reporting of harvest, harvest accounting, and high grading issues, the existing regulation was put into place with a three-year sunset clause. This was done so that any effects to the fishery could be studied prior to permanent implementation.

During the 2003-2004 season two permit holders applied for and obtained commissioner permits. Harvest was very limited and onboard processing was unsuccessful and no other permits have been issued.

DEPARTMENT COMMENTS: The department OPPOSES completely removing the sunset clause. The department would support a three-year extension of this of this to allow for continued evaluation. The department continues to be concerned about under reporting of harvest, harvest accounting and high grading issues but would like to assist the development of the red sea urchin fishery with continued experimentation of onboard processing techniques.

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 290. 5 AAC 38.145(p). SOUTHEAST ALASKA RED SEA URCHIN MANAGEMENT PLAN. Amend the regulation as follows:

(p) The department shall establish a guideline harvest level for each district or subdistrict open to commercial fishing for red sea urchins. The guideline harvest level shall be based on population estimates from the department's biomass assessment. The initial guideline harvest level shall be 6 percent of the virgin population size, taken as the lower bound of the one-sided 90 percent confidence interval. Fishing shall not be allowed in a district or subdistrict unless a stock assessment survey to determine biomass and size distribution has been conducted in that district or subdistrict within the previous three years except for Forrester Island, which will be exempted from the management plan requirement for a survey every three years until the 2008 survey rotation of the 104 area and then every three years after….

PROPOSED BY: Patrick M. Cassin

WHAT WILL THE PROPOSAL DO? This proposal will exempt Forrester Island from being surveyed every three years and allow a one-time five year period to elapse between assessment surveys.

WHAT ARE THE CURRENT REGULATIONS? 5 AAC 38.145.

(p) The department shall establish a guideline harvest level for each district or subdistrict open to commercial fishing for red sea urchins. The guideline harvest level shall be based on population estimates from the department's biomass assessment. The initial guideline harvest level shall be six percent of the virgin population size, taken as the lower bound of the one-sided 90 percent confidence interval. Fishing shall not be allowed in a district or subdistrict unless a stock assessment survey to determine biomass and size distribution has been conducted in that district or subdistrict within the previous three years. If the commissioner receives new information about red sea urchin productivity or if the commissioner determines that modifying the guideline harvest level will contribute to conservation, law enforcement, waste reduction, or promote development of the fishery, the commissioner may modify the guideline harvest level.

WHAT WILL BE THE EFFECT IF THE PROPOSAL IS ADOPTED? If this proposal is adopted Forrester Island will be temporarily exempted from the regulation that requires each red urchin commercial area be surveyed within the previous three years to be opened for commercial harvest. Once the Forrester Island area was in the same survey rotation as Districts 3 and 4, it would revert back to the three-year survey schedule.

BACKGROUND: A task force representing processors, divers, local governments, and the department developed the red sea urchin management plan as a public process beginning in May 1996. The plan follows guideline of the "High Impact Emerging Fishery" regulation [5 AAC 39.210]. The BOF adopted the red sea urchin management plan during its January 1997 meeting in Sitka. Part of that management plan was the closure of the Forrester Island complex due to the concern about potential impacts on Stellar sea lions which use the area as a rookery (Title 50 – Wildlife and Fisheries, Department of Commerce, Part 226-202, Critical Habitat for Stellar Sea Lions).

BOF adopted a proposal in 2003 that repealed the Forrester Island closure and the department opened discussions with NOAA to determine if the fishery was feasible.

With approval from NOAA, the department surveyed Forrester Island using funds supplied by the Southeast Alaska Regional Dive Fishing Association (SARDFA). Forrester Island was open for commercial fishing for the first time during the 2003-2004 season.

At SARDFA's request, and in order to allow immediate harvest opportunity, Forrester Island was surveyed out of the department's survey rotation for areas in District 4 (Districts 3 and 4 are surveyed once every three years). Due to the isolated and exposed location (located approximately 18 nautical miles west of Dall Island) and the lack of funding it is problematic if this area will be surveyed during the 2006 survey season. Current regulations allow Forrester Island to be harvested through the 2005-2006 commercial season.

Forrester Island has been commercially harvested for red sea urchins for one complete season. Harvest and effort levels have been minimal (Table 290-1) but the proposal's

author would like to ensure that Forrester Island remains open if it is not surveyed in 2006.

DEPARTMENT COMMENTS: The department is OPPOSED to fishing a commercial area for red sea urchins five seasons prior to reassessment surveys under current regulations.

Due to small harvests in the area, and anticipation of continued small harvests in the future at Forrester Island, the department may consider supporting this proposal if a harvest threshold is established that would close the area to further commercial harvest. One possible threshold might be if the cumulative harvest totaled the three year quota, the area would be shut down to commercial harvest (i.e. yearly quota = 170,500 lb, therefore the cumulative harvest prior to resurvey shall not exceed 511,500 lb). In no case would the area be open to commercial harvest after the 2007-2008 season or until an assessment survey could be completed. If the BOF chooses to adopt this proposal, the department would make the industry aware that if harvest levels increase, Forrester Island may be closed by emergency order until the next assessment survey.

Due to limited red sea urchin assessment funding and small harvests, that in many areas have been well below GHLs, the department would support a change in regulation allowing a maximum of six years between assessment surveys if a maximum harvest threshold was established. The department recommends such a threshold incorporate the following elements:

- No more than the equivalent of three year's cumulative GHL may be commercially harvested in any continuous six-year period,
- No annual GHL may exceed six percent of the estimated red urchin biomass,
- If the threshold is exceeded, the fishery will close until an assessment survey of that fishery is completed.

If adopted for all areas, the following language is recommended:

5 AAC 38.145(p) The department shall establish a guideline harvest level for each district or subdistrict open to commercial fishing for red sea urchins. The guideline harvest level shall be based on population estimates from the department's biomass assessment. The [INITIAL] annual guideline harvest level shall be a maximum of six percent of the [VIRGIN POPULATION SIZE] most recent assessment survey population estimate, taken as the lower bound of the one-sided 90 percent confidence interval. Fishing shall not be allowed in a district or subdistrict unless a stock assessment survey to determine biomass and size distribution has been conducted in that district or subdistrict within the previous [THREE] six years. Between assessment surveys, no more than the equivalent of three annual guideline harvest levels may be harvested. If the commissioner receives new information .

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 290-1. Forrester Island Harvest Statistics 2003-2004 to 2004-2005.

Season	2003-2004	2004-2005 (preliminary)
GHL (pounds)	170,469	170,469
Total Harvest (pounds)	29,544	23,078
Percent Harvested	17	14
Number of Divers	6	4
Number of landings	12	7

Reporting Requirements

PROPOSAL 291. 5 AAC 39.130. REPORTS REQUIRED OF PROCESSORS, BUYERS, FISHERMEN, AND OPERATORS OF CERTAIN COMMERCIAL FISHING VESSELS; TRANSPORTING REQUIREMENTS. Amend the regulation as follows:

The commissioner may establish mandatory logbooks for selected sea cucumber, sea urchin and geoduck clam fisheries. Permit holders would be required to submit a logbook of fishing activity for each commercial fishery in which they participate. In consultation with SARDFA prior to the opening of a fishery for the season, if the commissioner determines that logbooks will contribute to conservation, law enforcement, waste reduction, or assist the development of the fishery, the commissioner may require logbooks, by emergency order for specific fisheries. Divers would be required to submit logbooks of fishing activity, location of harvest, effort (dive time), and other data relevant to a particular species or fishery. Divers would receive logbooks from the department when registering for the fisheries and be required to submit completed logbooks to the department with fish tickets. All logbook information shall be kept confidential.

PROPOSED BY: Southeast Alaska Regional Dive Fisheries Association

WHAT WILL THE PROPOSAL DO? The proposal would allow the department to require mandatory logbooks for selected sea urchin, sea cucumber and geoduck fisheries statewide. Permit holders would be required to submit a logbook of fishing activity for each open commercial fishery in which they participate in which the commissioner determines that logbooks will contribute to conservation, law enforcement, waste reduction, or assist the development of the fishery. The commissioner would require, by emergency order, logbooks to be submitted of fishing activity for a specific fishery.

WHAT ARE THE CURRENT REGULATIONS? There are no logbook requirements for Alaskan dive fisheries.

WHAT WILL BE THE EFFECT IF THE PROPOSAL IS ADOPTED? If the proposal is adopted precise location of harvest, which directly relates to bed location for geoducks, will be identified. This information will improve data used to conduct surveys and increase the precision of biomass estimates. Further, areas heavily harvested can be identified and monitored by the department to assure that localized depletion of the resource does not occur.

BACKGROUND: The department currently requests for voluntary logbooks in the Southeast Alaska geoduck fishery. Compliance with the program has been between 30 to 40 percent. The department agrees with the proponent that accurate and complete logbooks should be mandatory in order to have compliance. Data from voluntary logbooks has been used in conjunction with prior survey data and reconnaissance data to resurvey areas. The precision of those surveys has increased by up to 25 percent

demonstrating the benefits of logbook compliance. Localized depletion within sea cucumber, geoduck and urchin populations should be expected but may be identified from logbook data. Methods used to assess these species are currently being re-evaluated to take into consideration scenarios of localized depletion, however, data are lacking on catch location, which is an important component of potential new methods.

DEPARTMENT COMMENTS: The department is OPPOSED to requiring logbooks for the sea cucumber and red urchin fisheries at this time. The department questions the need for logbooks in to the sea cucumber and sea urchin fisheries. The department SUPPORTS and recommends the BOF adopt this proposal for the geoduck fishery in Southeast Alaska. Voluntary logbooks have played a key role in completing surveys in two commercial geoduck fisheries in 2005. Logbook data provided biologists with locations of unidentified beds and further defined existing beds improving the precision of surveys. New beds and increased precision translated to a significantly higher GHL for both areas. If this proposal is adopted the department recommends this language be included in the Geoduck Management Plan, 5 AAC 38.142 and not in the state wide reporting regulation 5 AAC 39.130.

If the BOF chooses to adopt the proposal, instead of the statewide regulation cited in the proposal, the department recommends amending 5 AAC 38.142. SOUSTHEASTERN ALASKA GEODUCK FISHERY MANAGEMENT PLAN, 5 AAC 38.062. SOUTHEASTERN ALASKA SEA CUCUMBER MANAGEMENT PLAN, or 5 AAC 38.145. SOUTHEASTERN ALASKA RED SEA URCHIN MANAGEMENT PLAN by adding a new section to provide mandatory logbooks.

COST STATEMENT: Additional cost to the department can be anticipated to enforce and coordinate the collection and compilation of logbook data. Industry has previously funded a limited voluntary logbook program for geoduck clam commercial fisheries. If the BOF chooses to adopt this proposal and if funds to implement such a program are obtained through SARDFA, then there may be additional indirect cost for a private person to participate in this fishery.

Committee "C" All Groundfish (24 proposals)

Lingcod

No. 237-Provide bag and possession limits for subsistence lingcod fishery
No. 238-Modify lingcod GHR and allocations for East Yakutat
No. 239-Modify lingcod bycatch limit in the Icy Bay section
No. 235-Modify sport lingcod size limit
No. 236-Prohibit taking of lingcod with spear between December 1 and May 15

Sablefish

No. 245-Modify NSEI sablefish season
No. 246-Clarify overage/underage sablefish landing requirements

Pacific cod

No. 244-Create a 15,000 pound trip limit for Pacific cod

Rockfish

No. 234- Provide bag and possession limits for subsistence rockfish fishery
No. 232-Create demersal shelf rockfish management plan
No. 230-Modify sport bag and possession limits for non-pelagic rockfish
No. 231-Prohibit charter operators and crew from retaining yelloweye while clients onboard
No. 233-Reduce bag limit for guided sport fishery in Area 1
No. 227-Close commercial demersal shelf rockfish fishery in Area 1
No. 226-Retain 2004 sport regulations for demersal shelf rockfish and limit bycatch in longline fisheries
No. 228-Modify demersal shelf rockfish directed fishery seasons
No. 229-Clarify demersal shelf rockfish commercial closed waters

Flatfish Trawl

No. 240-Modify flatfish trawl fishing seasons and require logbook
No. 241-Southeast Alaska shall be super exclusive area for flatfish trawl
No. 242-Repeal flatfish trawl fishery regulations

Miscellaneous Groundfish

No. 224-Repeal stand down requirements between Groundfish and troll fisheries
No. 225-Prohibit lingcod, short raker, rougheye, and yelloweye or thornyhead use as bait

Groundfish Sport Methods and Means

No. 223-Require punch card for Groundfish sport fisheries
No. 243-Clarify guided sport landing and operation of gear requirements

Lingcod

PROPOSAL 237. 5 AAC 01.745. REGULATION TITLE Subsistence bag and possession limits. Amend the regulation as follows:

Allow for the incidental take of one lingcod per person, per day while subsistence halibut fishing on a year-round basis.

PROPOSED BY: Alaska Native Halibut Subsistence Working Group, RuralCap

WHAT WOULD THE PROPOSAL DO? If adopted, the proposal would limit subsistence fishermen to retaining one lingcod per person, per day with no closed season or size limits.

WHAT ARE THE CURRENT REGULATIONS?

Current State Regulations:

	Subsistence	Sport	Personal Use
Bottomfish	All gear except rod & reel No limit	Rod & reel, 2 hook max 5 bag / 10 possession	Handline/longline No limit, except Sitka/Ketchikan
Halibut	Single line, 2 hook max 2 bag / 4 possession	Rod & reel, 2 hook max 2 bag / 4 possession	Single line, 2 hook max 2 bag / 4 possession

Subsistence Regulations:

- **5 AAC 01.005.** Subsistence Fishing permitted.
- **5 AAC 01.010.** Methods, means, and general provisions.
  (a) Unless otherwise provided in this chapter, the following are legal types of gear for subsistence fishing:

    (1) gear specified in 5 AAC 39.105;

  (2) jigging gear...

  (3) a spear . . .

(4) a lead

(b) Finfish may be taken for subsistence purposes by Alaskan residents.

(g) Subsistence fishing by rod and reel is prohibited unless provided for in regulations. (k) gillnet . . .

- **5 AAC 01.015** No permit required for taking of lingcod (bottomfish).
- **5 AAC 01.666** Customary and traditional subsistence uses of fish stocks.
  The Alaska Board of Fisheries finds that the following fish stocks are customarily and traditionally taken or used for subsistence:

(2) bottomfish and halibut in waters of Yakutat Bay, including Russell Fjord, and in waters of Alaska bounded by a line from Point Manby, at 59° 41.66' N. lat., 140° 19.57' W. long., to 59° 39.17' N. lat., 140° 26.75' W. long. to Ocean Cape, at 59° 31.62' N. lat., 139° 49.87' W. long., to 59° 29.69' N. lat., 139° 55.18' W. long.

- **5 AAC 01.716.** (Southeast Alaska) Customary and Traditional Findings and Amounts Necessary for Subsistence.
  (Positive C&T findings for bottomfish in all Districts, except 1, 4, and 11, where there are no findings. No ANS in regulations. Administrative ANS findings (1993), Southeast Non-Salmon Finfish, 146,300.)

(a) The Alaska Board of Fisheries finds that the following fish stocks are customarily and traditionally taken or used for subsistence:

(1) herring, herring spawn, bottomfish, and halibut in waters of Section 15-A;

(3) herring, herring spawn, bottomfish, and halibut in waters of District 14 east of the longitude of Point Dundas;

(5) herring, herring spawn, bottomfish, and halibut in waters of District 12 between the latitude of Parker Point and the latitude of Point Caution, and in Section 13-C east of the longitude of Point Elizabeth;

(9) herring, herring spawn, bottomfish, and halibut in waters of Section 9-B north of the latitude of Point Ellis, in waters of District 10 west of a line from Pinta Point to Point Pybus, and in waters of District 5 north of 56° 40' N. lat.;

(12) salmon, Dolly Varden char, bottomfish, and halibut in waters of District 2 north of the latitude of the northernmost tip of Chasina Point and west of a

line from the northernmost tip of Chasina Point to the easternmost tip of Grindall Island to the easternmost tip of the Kasaan Peninsula;

(14) bottomfish and halibut in waters of Section 3-B;

(17) bottomfish and halibut in waters of Section 3-A;

(20) salmon, herring, herring spawn, bottomfish, halibut, and Dolly Varden in waters of District 5 north of a line from Point St. Albans to Cape Pole, in waters of Section 6-A west of a line from Macnamara Point to Mitchell Point, and in waters of Section 6-B west of the longitude of Macnamara Point;

(21) salmon, other than sockeye salmon as provided in (8) of this section, bottomfish, and halibut in the waters of District 13;

(23) herring, herring spawn, bottomfish, halibut, salmon, Dolly Varden, and steelhead trout in the waters of Districts 7 and 8.

- **5 AAC 01.725.** Waters closed to subsistence fishing.
  (b) Groundfish may not be taken off Cape Edgecumbe . . .
- **5 AAC 01.730.** (Southeast Alaska) Subsistence Fishing Permits. No permit required for taking of rockfish (bottomfish).
- **5 AAC 01.745.** (Southeast Alaska) Subsistence bag and possession limits. No bag or possession limits for rockfish (bottomfish).

Sport Fishing Regulations: (Southeast Alaska)

- **5 AAC 47.020** Seasons, bags, possessions, annual, size limits, for salt waters . . .
  - (7) lingcod . . .

    In 2005, the sport daily bag limit for lingcod in the inside waters near Ketchikan and the Outer Prince of Wales area was one fish with two in possession with an open season of May 16-November 30. There were no size limits for any anglers in the Ketchikan area. There was a 30-inch minimum and 40-inch maximum size limit for nonresidents and guided residents in the Outer Prince of Wales area. The daily limit was one fish with a possession limit of two fish with a split season open May 16-June 15 and August 16-November 30 in the Northern Southeast area. There were no size limits for non-guided Alaska residents and a 30-inch minimum and 40-inch maximum size limits for nonresidents and all guided anglers in the Northern Southeast area.

Personal Use Regulations: (Southeast Alaska)

- **5 AAC 77.674**. Personal use bottomfish fishery

In the personal use taking of bottomfish

(1) bottomfish may be taken at any time;

(2) bottomfish may be taken for personal use only by longline or hand held line; unattended gear must be marked as described in 5 AAC 77.010(d);

(3) there are no daily bag or possession limits, except

(A) in the Sitka vicinity:

(i) in Sitka Sound Special Use Area, which is that area of Sitka Sound enclosed on the north by lines from Kruzof Island at 57° 20.50' N. lat., 135° 45.17' W. long. to Chichagof Island at 57° 22.05' N. lat., 135° 43' W. long., and from Chichagof Island at 57° 22.58' N. lat., 135° 41.30' W. long. to Baranof Island at 57° 22.28' N. lat., 135° 40.95' W. long., and on the south and west by a line running from the southernmost tip of Sitka Point at 56° 59.38' N. lat., 135° 49.57' W. long. to Hanus Point at 56° 51.92' N. lat., 135° 30.50' W. long. to the green day marker in Dorothy Narrows to Baranof Island at 56° 49.28' N. lat., 135° 22.60' W. long., the daily possession limit for rockfish is three fish, of which no more than one may be a yelloweye rockfish (Sebastes ruberrimus);

(ii) the waters off Cape Edgecumbe enclosed by a box defined as 56° 55.5' N. lat. and 56° 57' N. lat., and 135° 54' W. long. and 135° 57' W. long., are closed to fishing for all species of bottomfish;

(B) in the Ketchikan vicinity: in all waters of Section 1-E south of the latitude of Bushy Point Light and in the waters of Section 1-F north of lines from Point Alava to the southernmost tip of Ham Island, from Cedar Point to Dall Head, and from Dall Head to a point on the District 1 boundary in Clarence Strait at the latitude of Dall Head, the bag and possession limit for rockfish is three fish, no more than one of which may be yelloweye rockfish (Sebastes rubberrimus);

(4) a person on board a vessel from which a longline was used to take bottomfish for personal use in the Northern Southeast Inside or the Southern Southeast Inside sections is subject to the restrictions in 5 AAC 28.180;

(5) bottomfish taken under personal use regulations may not be used as bait in a commercial fishery.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? If adopted, this proposal would impose harvest limits for lingcod in the subsistence halibut fishery. There are currently no limits for lingcod. A bag limit could result in a decrease in the incidental harvests of lingcod taken on subsistence halibut gear. The effect on harvest would differ by area. In 2004 it is estimated that 2,614 lingcod and 28,281 halibut were landed in the subsistence halibut fishery (Fall et al 2005). Approximately 1,212 lingcod came from Southern Southeast, 1,084 from the Sitka Local Area Management Plan (LAMP) area and 179 from the Northern Southeast area. The reported bycatch rate for lingcod was greatest in the Sitka LAMP area with 4 lingcod taken for every 20 halibut compared to 2 lingcod per 20 halibut in the Southern area and less than 1 lingcod per 20 halibut in the Northern area.

BACKGROUND: Lingcod are used for subsistence purposes in communities throughout their range in Alaska. The North Pacific Fisheries Management Council established regulations for a subsistence halibut fishery in 2003. There has been confusion about the subsistence possession limits for bottomfish associated with this federal fishery. Results of a voluntary mail out survey of federal subsistence halibut harvesters revealed that rockfish are the primary incidental catch and lingcod are secondary in the fishery (Table 237-1). Lingcod harvested incidentally in the federal subsistence halibut fishery are utilized as food for human consumption. We have no information showing that incidentally caught lingcod are discarded. Unlike rockfish, lingcod do not have a swim bladder and therefore may be released with little mortality from fishing gear as long as longline gear has not soaked too long. This means that if bag or possession limits are imposed in subsistence fisheries lingcod caught in excess of limits can be released and the limits would be effective in reducing fishing mortality.

The state of Alaska manages lingcod in both state and federal waters; any state regulations for lingcod apply in all waters. All waters of Southeast Alaska open to subsistence and personal use fishing are also open to the federal subsistence halibut fishery with the exception of the Ketchikan and Juneau non-subsistence areas [5 AAC 99015, Figure 234-1]. Currently there are no limits for subsistence bottomfish in areas designated subsistence bottomfish areas.

The Alaska Department of Fish and Game, Subsistence Division collects information on halibut, rockfish and lingcod harvests in the federal subsistence halibut fishery through a voluntary mail survey. There are only broad area descriptions for incidental lingcod harvests (Sitka LAMP, Northern Southeast, and Southern Southeast). The estimated lingcod harvest in Southeast Alaska in 2004 was 2,475 fish and 1,685 fish in 2003.

DEPARTMENT COMMENTS: The department is NEUTRAL on the potential allocative issues associated with this proposal. The determination of reasonable opportunity for subsistence fisheries is the purview of the BOF. If the BOF did adopt this proposal the department recommends that subsistence lingcod harvests not be included in existing GHRs and allocation plans for sport and commercial fisheries.

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 237-1 Estimated subsistence halibut and associated lingcod harvest in area 2C, 2004, by general area.

Area	**# halibut**	**# lingcod**	**#lingcod/20 halibut**
Sitka LAMP	6,018	1,084	3.60
Southern SE	15,121	1,212	1.60
Northern SE	6,498	179	.55
Total	**27,637**	**2,475**	**1.79**

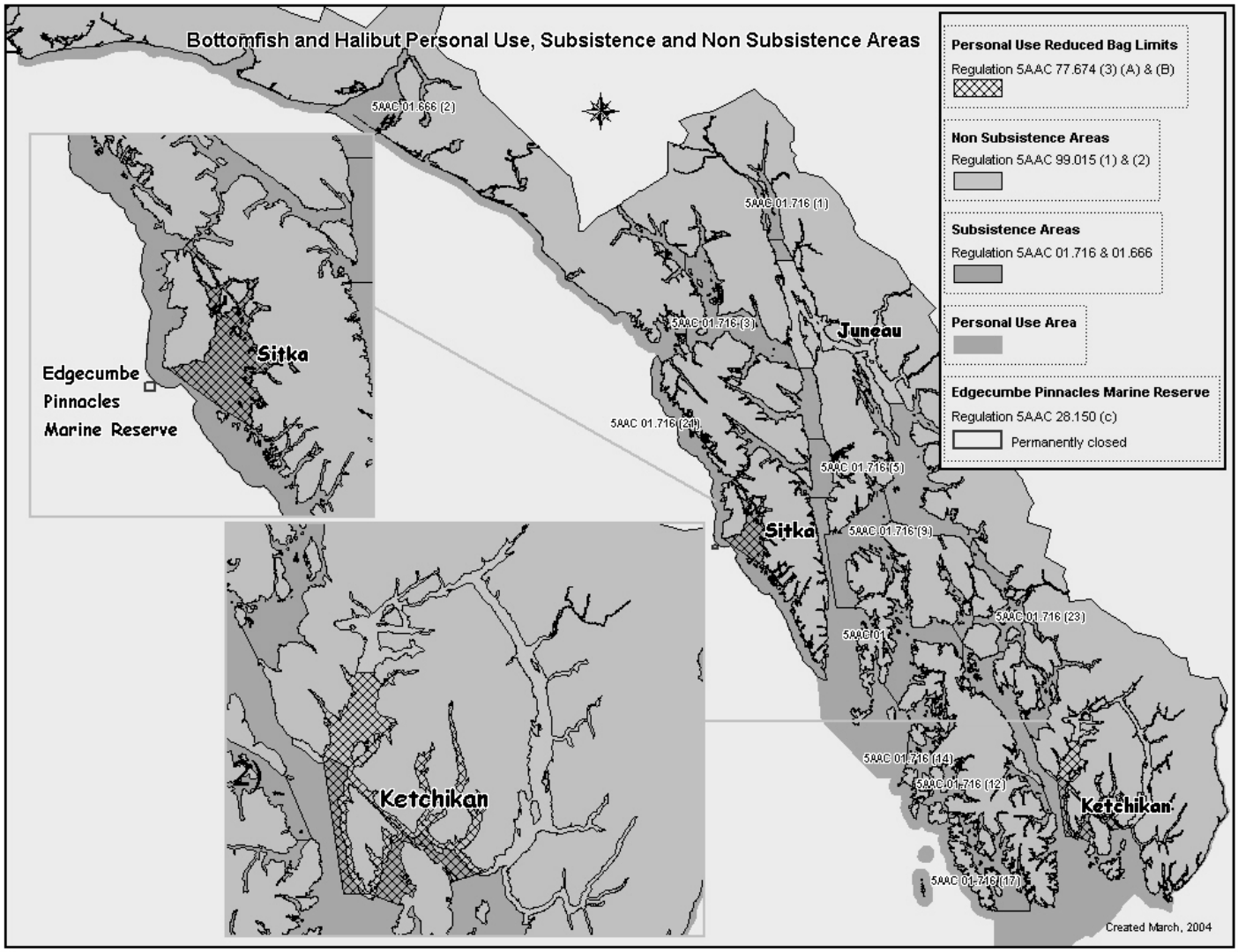

Figure 237-1. Subsistence and personal use areas for bottomfish and halibut.

PROPOSAL 238. 5 AAC 28.160(e)(2) and 28.165(a)(2). Harvest guidelines and ranges for Eastern Gulf of Alaska Area and Lingcod allocation guidelines for Eastern Gulf of Alaska Area. Amend these regulations as follows:

5 AAC 28.160(e)(x) **<u>The GHL for the East Yakutat Section is 0-300,000</u>**
5 AAC 28.165(a)(2) reallocate the new GHL as follows:
(A) **<u>62</u>** [43] percent to the directed commercial lingcod fishery;
(B) **<u>1.4</u>** [2] percent to the sport fishery;
(C) **<u>31.3</u>** [47] percent to bycatch in the commercial longline fishery;
(D) **<u>5.3</u>** [8] percent to bycatch in the commercial troll fishery;

<u>PROPOSED BY:</u> Gary Egerton

WHAT WOULD THE PROPOSAL DO? This proposal would increase the GHL for lingcod in the EYKT management area and reallocate the GHL to provide additional quota to the directed fishery (in terms of percent of annual GHL).

WHAT ARE THE CURRENT REGULATIONS?
5 AAC 28.165. Lingcod allocation guidelines for Eastern Gulf of Alaska Area
In the Eastern Gulf of Alaska Area, the department shall annually allocate the harvest in the lingcod commercial and sport fisheries as follows:
(2) East Yakutat Section:
(A) 43 percent to the directed commercial lingcod fishery;
(B) two percent to the sport fishery;
(C) 47 percent to bycatch in the commercial longline fishery;
(D) eight percent to bycatch in the commercial salmon troll fishery;

5 AAC 28.160. Harvest guidelines and ranges for Eastern Gulf of Alaska Area
e) In the Southeast District, the department shall announce, before the season, the annual guideline harvest level (GHL) for lingcod in each management area based on historical fishery performance data and population trends. Each GHL will be within the following ranges, in round pounds:

(2) East Yakutat Section 0 - 200,000

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? If the upper end of the proposed GHL (300,000 lbs) was adopted (and managed for the upper end) no sectors would take a reduction in actual catch and the directed fishery would get a substantial increase. The percent allocations would change with reductions in the sport and non-directed commercial fisheries and an increase in the directed allocation.

BACKGROUND:
Prior to 1994 there was a regional quota for lingcod. After 1994 area GHLs were set, usually to include all fisheries. The EYKT area had a total GHL of 405,000 in 1995 but Fairweather Grounds directed fishery was generally managed for 270,000 round pounds between 1994 and 1998. Fairweather Ground is a prime fishing area for lingcod. Total removals of lingcod from EYKT peaked in 1995 with 390,000 round pounds landed, of which 319,000 were from the directed fishery (Table 238.1) The catch per unit effort (CPUE) in the directed fishery declined for several years after this year of high removals (Figure 238-1). In 1999 the EYKT quota was set for the directed fishery and reduced to 160,000 then 150,000 in 1998 (Table 238-1). At the 2000 BOF meeting the department requested a reduction in lingcod GHLs region-wide and requested allocation of quota to the directed commercial, longline bycatch, salmon troll bycatch and sport fish fisheries. This request was due to concerns about stock condition, largely evaluated through directed commercial fishery catch per unit effort (CPUE). All areas had shown a significant decline in CPUE over the 1991-1998 time period. Data from EYKT indicated a 30 percent reduction in CPUE between 1994 and 1999 (Figure 238.1) although CPUE from EYKT was significantly higher than other areas of southeast outside.

The directed fishery has been allocated 86,000 annually since 2001, less than half of the average annual total catch for the 1996-2000 period. Since the reduced quota has been in effect the directed seasons have be greatly reduced. For example on Fairweather Ground the season lasted 88 days in 1995, 12 days in 2000 and 5.5 days in 2005. A review of the CPUE data indicate that CPUE increased significantly in 2000 and has remained fairly steady and at a high level since then. The CPUE data for 2005 is lower than past years when the entire fleet's data are used. However, there were three harvesters new to the lingcod fishery whose CPUE was further influenced by poor weather on the opening. When vessels that had only fished in 2005 (no previous years experience) were removed for the data, the 2005 CPUE actually increased and was the highest it had been since 1994.

The biological data suggest that the recent directed fishery relies heavily on one or two year classes. There is some evidence of incoming recruitment but it is difficult to determine the strength of that recruitment as the first signal appeared in 2005 data.

The sector specific catch compared to allocation is shown in Table 238.1. The sport fishery has been allocated 4,000 round lbs. Sport fish catch is not separated between IBS and EYKT so there is no way to track landings. The difference between the allocation and the catch is shown in Table 238.2. It has been difficult to manage the directed fishery for their allocation. Catch rates are high, as is participation (compared to allocation). The directed allocation has been exceeded 4 of the past 5 years by as much as 15 percent. This year the allocation was not exceeded but the weather was marginal, resulting in less participation than anticipated. The fishery was closed in 5.5 days in anticipation of the quota being taken.

There has been significant longline allocation left unfished each year, with 30,000 pounds remaining in 2005. There was no directed DSR fishery in 2002 or 2003 that affects lingcod landings. DSR longliners are allowed 35 percent bycatch of lingcod against DSR. There will be no DSR fishery in EYKT in 2006. Halibut longliners are limited to 5 percent bycatch of lingcod against their halibut. These longline bycatch regulations were imposed by the BOF to characterize historic use of the lingcod resource. There has been between 5,000 and 10,000 pounds left on the troll allocation. Salmon trollers have been limited to a bycatch of 5 percent in an effort to keep fish available all season. The bycatch rate is arbitrary and could be increased to promote full harvest of the allocation.

<u>DEPARTMENT COMMENTS:</u> The department OPPOSES an increase of the GHL to 300,000 round pounds and is neutral on allocation issues. The department would support a more modest increase to 225,000 round pounds. The directed fishery data suggest that there is a lingcod resource available in EYKT that could withstand higher harvest limits. In the absence of biomass information it is difficult to set sustainable catch limits. In the years following removals greater than 250,000 round pounds the trend in CPUE dropped substantially. The CPUE increased in 2000 and has remained high. This may be due in part to reduced quotas (reduced pressure on stocks) and in part to a strong year class. The biological data indicate that one or two years classes support much of the directed

fishery. It will be important to continue monitoring the length and age data to ensure that there is incoming recruitment.

The department is NEUTRAL on the allocation aspects of this proposal. However, the proposer calculated percent allocations based on a 300,000 pounds GHL and with the goal of keeping non-directed fisheries at their 2005 catch level. With the department's proposed GHL of 225,000 this would result in an allocation of 42 percent to the longline fishery (94,000), 7.2 percent to the troll fishery (16,000), 1.8 percent to the sport fish fishery (4,000), and 49 percent to the directed fishery (110,250).

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 238-1.Reported commercial catch of lingcod and allocation by fishery and year for EYKT.

Year	Directed	allocation	Longline	allocation	Troll	allocation
1991	11750		211548		11704	
1992	16470		143273		3190	
1993	10330		190807		17198	
1994	92642		122364		18719	
1995	318585		41513		29935	
1996	254442		45443		17185	
1997	220746		68943		5479	
1998	130308	160000	75034		3463	
1999	129547	150000	94330		5267	
2000	160744	150000	68765		10414	
2001	88715	86000	70643	94000	17121	16000
2002	93173	86000	41240	94000	36560	16000
2003	101419	86000	43320	94000	10198	16000
2004	100890	86000	91477	94000	11290	16000
2005	80084	86000	63763	94000	5610	16000

Table 238-2. Difference (in round pounds) between allocation and landings by commercial fishery and total for EYKT (negative numbers are under allocation, positive are above quota).

	directed fishery	longline fishery	troll fishery	Total
2001	+2715	-23357	+1121	-18641
2002	+7173	-52760	+20560	-43585
2003	+15419	-50680	-5802	-54479
2004	+14890	-2523	-4710	-5229
2005	-5916	-30237	-10390	-44538

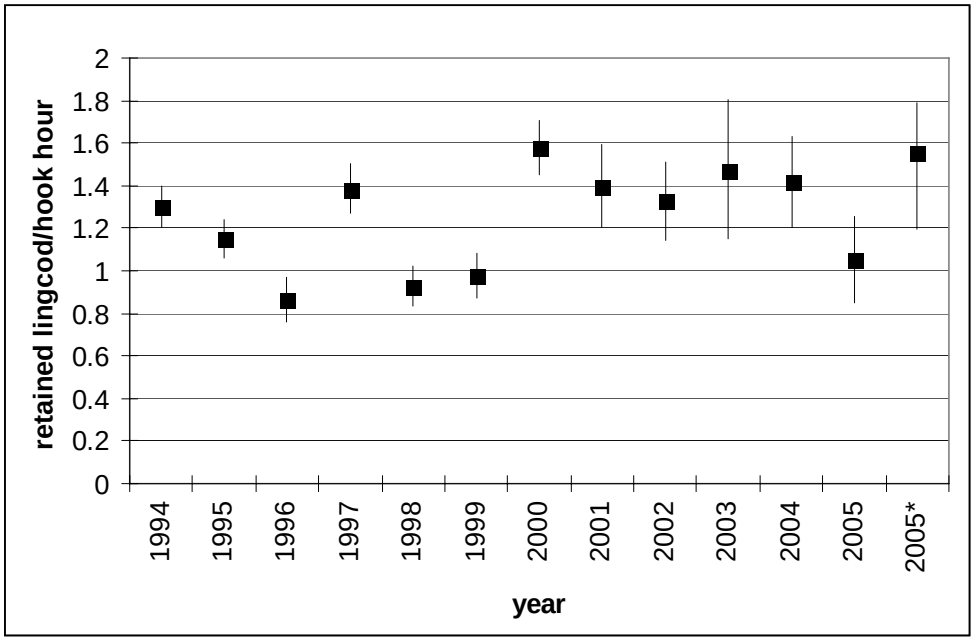

Figure 238.1. Catch per unit effort (CPUE) in fish/hook hour, for the directed lingcod fishery in EYKT, by year. Data for 2005* excluded three vessels that had never fished lingcod at Fairweather and spent the majority of the fishery weathered out.

PROPOSAL 239. 5 AAC 28.173(a). Lingcod possession and landing requirements for Eastern Gulf of Alaska Area. Amend the regulation as follows:
(a)(1) halibut with longline gear may not land or have on board lingcod in excess of five percent [, BY ROUND WEIGHT,] of all halibut on board the vessel **except in Icy Bay Section where the limit is ten percent.**

WHAT WOULD THE PROPOSAL DO? This proposal would increase the bycatch allowance for lingcod landed during halibut fishing to 10 percent in the Icy Bay Sector (IBS).

PROPOSED BY: Richard Curran

WHAT ARE THE CURRENT REGULATIONS?
5 AAC 28.173(a). Lingcod possession and landing requirements for Eastern Gulf of Alaska Area. (1) halibut with longline gear may not land or have on board lingcod in excess of five percent of all halibut on board the vessel.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? This proposal, if adopted, would increase the allowable bycatch of lingcod against halibut on halibut trips to 10 percent in IBS. In IBS the lingcod guideline harvest limit is not allocated among sectors.

BACKGROUND: In 2000 the BOF allocated 33,000 to the salmon troll bycatch fishery and 33,000 to the longline bycatch fishery in IBS. These two sectors have a history of

landing in the IBS (Figure 239-1). The longliners have been limited to 5 percent lingcod, though true bycatch often exceeds this amount. In 2003 the BOF combined the allocation and made 66,000 total available to longline bycatch, troll bycatch, and directed fishing. The directed fishery for lingcod in IBS is a recent development with 2004 being the first year of any significant catch (Figure 239-1). The IBS GHL was not fully harvested until 2005.

DEPARTMENT COMMENTS: The department is NEUTRAL on this allocative 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.

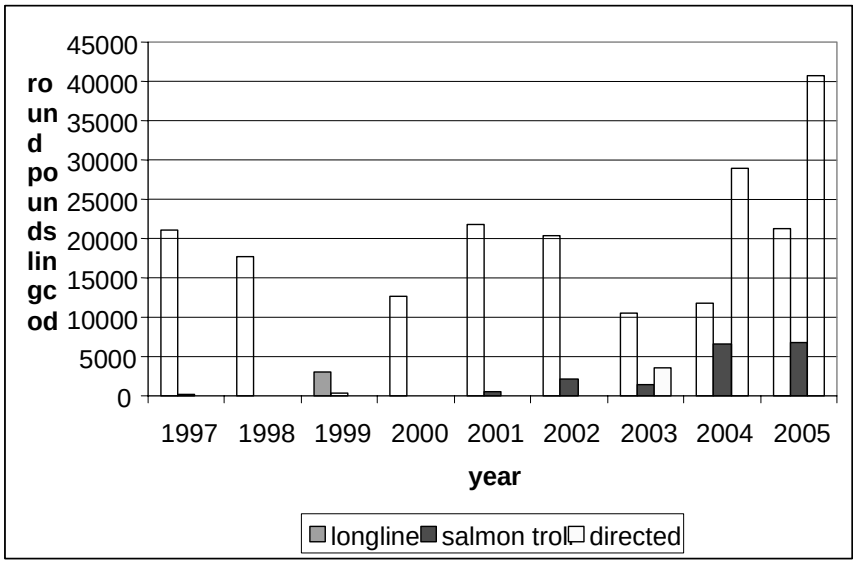

Figure 239-1. Lingcod harvest (round pounds) in IBS by fishing sector and year.

PROPOSAL 235, PAGE # 174, 5 ACC 47.060. Lingcod delegation of authority and provisions for management.
PROPOSED BY: Sitka Charter Boat Association

WHAT WOULD THIS PROPOSAL DO? This proposal would allow all sport fishers to retain a trophy lingcod at or above a specified size.

WHAT ARE THE CURRENT REGULATIONS? Each year the department establishes guideline harvest levels for lingcod in each of seven subdistricts in SE Alaska. In each subdistrict the sport fishery is allocated a percentage of the catch that varies between 2% in the East Yakutat subdistrict to 92% in the Southern Southeast Inside subdistrict (5 AAC 28.165). The department established regulations (options include bag limits, annual limits, length limits, and seasons for guided or nonresident anglers, and bag limits and seasons for resident anglers) by emergency order to ensure that the sport fishery does not exceed its allocation. The regulations vary by subdistrict and between years. In 2005 the regulations established by E.O. were as follows:

Yakutat: For all anglers the season is May 16 – November 30, the bag limit is 1 and the possession limit is 2. For nonresident and guided anglers there is a 32-inch minimum and 42-inch maximum length limit.

Central and Northern SE Outside, and Northern SE Inside: For all anglers the season is May 16 – June 15 and Aug 16-November 30, the bag limit is 1 and the possession limit 2. For nonresidents and guided anglers there is a 30-inch minimum and 40-inch maximum length limit.

Outer Coast of Prince of Wales Island: For all anglers the season is May 16 – November 30, the bag limit is 1 and the possession limit is 2. For nonresident and guided anglers there is a 30-inch minimum and 40-inch maximum length limit.

Inside Waters near Ketchikan: For all anglers the season is May 16 – November 30, the bag limit is 1 and the possession limit is 2. There is no size limit.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL IS ADOPTED? The length that equates to a lingcod that is within 5 lb of the state record is approximately 57 inches. Only 1 lingcod has been sampled in the SE creel survey above this size from 1993 to 2005. Therefore, a 57-inch minimum length limit, in combination with the existing slot limit, is expected to have almost no increase in harvest.

BACKGROUND: During the past four years, bag limits for all anglers, and slot length limits for guided and nonresident anglers have been marginally successful in reducing sport harvest to within the GHL of the various areas. In the east Yakutat/Icy Bay area and CSEO/NSEO area, the sport fishery has exceeded the GHL only once per area. In the SSEI and SSEO areas the GHL has been exceeded in each of the past two years. In the NSEI area the GHL has been exceeded in all years, however, the department believes that this is due to misidentification of lingcod by people responding to the SWHS. Because, the GHL has been exceeded in many areas, and because there appears to be an increasing trend, the department will implement more restrictive regulations in 2006. Additional restrictions being considered are shorter fishing seasons, non-retention by guides and crew, and annual limits for nonresidents.

DEPARTMENT COMMENTS: The department is NEUTRAL on this proposal.

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

PROPOSAL 236. 5 AAC 01.720. Lawful gear and gear specifications. Amend the regulation as follows:

Fish may be taken by gear listed in 5 AAC 01.010(a) except as may be restricted under the terms of a subsistence fishing permit and except as follows:
(5) lingcod may not be taken by a spear or by diving gear between December 1 and May 15.

PROPOSED BY: ALASKA DEPARTMENT OF FISH AND GAME

WHAT WOULD THE PROPOSAL DO? This proposal would prohibit the use of spear or scuba for taking lingcod during the period of lingcod nesting (December 1- May 15).

WHAT ARE THE CURRENT REGULATIONS? There are no prohibitions on this gear type currently.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? If this proposal were adopted, it would prevent the development of a winter spear fishery for lingcod. There has been recent interest in the regulations regarding spear fishing for lingcod. This regulation would protect lingcod while they were nest guarding, while allowing spear fishing to occur during other seasons.

BACKGROUND: Lingcod are nest guarders (Figure 236.1). The males guard the fertilized egg mass for 7 to 11 weeks until hatching. During this time period they are very vulnerable to harvest as they are aggressively territorial. Once a male is removed from the nest the eggs are quickly consumed by other fish and invertebrates, resulting in the loss of the whole mass. There are no directed fisheries or troll fisheries allowed for lingcod between December 1 and May 15 to protect nest guarding males. There is a bycatch allowed in the longline fishery during this time period because this fishery generally occurs in deeper water and harvests primarily post-spawning females.

DEPARTMENT COMMENTS: The department 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.

Figure 236.1. Male lingcod guarding egg mass.

Sablefish

PROPOSAL 245. PAGE 182. 5 AAC 28.110 Sablefish fishing seasons for Eastern Gulf of Alaska Area. Amend the regulation as follows:

(a) In the Eastern Gulf of Alaska Area, sablefish may be taken only as follows: (1) in the Northern Southeast Inside Subdistrict, from 8:00 am August 1 [15] until 12:00 noon November 15; …

PROPOSED BY: Southeast Alaska Fishermen's Alliance

WHAT WOULD THE PROPOSAL DO? This proposal would change the start date of the NSEI (Chatham Strait) sablefish season to August 1, two weeks earlier than the current start date of August 15th.

WHAT ARE THE CURRENT REGULATIONS?
5 AAC 28.110. Sablefish fishing seasons for Eastern Gulf of Alaska Area
(a) In the Eastern Gulf of Alaska Area, sablefish may be taken only as follows:
(1) in the Northern Southeast Inside Subdistrict, from 8:00 a.m. August 15 until 12:00 noon November 15; …
(c) Notwithstanding (a) of this section, sablefish may be taken outside of established seasons in order to provide information on stock condition and other research questions, as provided in this subsection. The commissioner shall request that permit holders who are interested in fishing outside of established seasons for that purpose notify the department. The commissioner will randomly select from those permit holders, and selected permit holders shall fish under terms specified by the commissioner.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? This proposal, if adopted, would start the fishery two weeks earlier than the current fishery. This would have negative effects on the stock assessment program for this fishery.

BACKGROUND: The Chatham Strait sablefish fishery has undergone significant changes in management over time. In 1985, a limited entry program was implemented. However, the overall operating efficiency of the NSEI longline fleet increased seven-fold after the limited entry program was in place. In order to stay within harvest objectives, the department continued to reduce the number of fishing days. The number of fishing days declined from 76 in 1980 to one in 1987. One-day openings continued annually until 1993. In an effort to improve management, the board of Fish adopted a shared quota system for the NSEI fishery beginning in 1994, to be evaluated in 1997. This plan was recommended by a working group of industry representatives and state fisheries managers after extensive negotiations to come to terms. Under the shared quota system each permit holder was given an "equal" quota share (EQS) and an extended season (30 days in 1994, 60 days in 1996). The shared quota system was made "permanent" in 1997 based on fleet and department recommendations and the season set for September 1 through November 15 based on fishermen input. In 2003 the BOF changed the opening date of the fishery to August 15th. This change in season was a compromise from a public proposal that had requested an 8-month season for this fishery. In addition, during the 2003 meeting, the BOF adopted a proposal to allow permit holders fish their EQS, in coordination with the department, outside of the normal season, with the goal to collect distribution and biological information about the population to further evaluate the effects of an extended season. The department agreed to participate, requiring that onboard observers be placed on vessels to collect information, and setting other restrictions. A summary of results of out-of-season fishing is presented in Table 245-1.

The authors of this proposal suggest that the benefits of a two week extension will be to provide a better opportunity to compete in the marketplace against farmed fish, decrease the "race for fish", and allow fishermen to sablefish taken incidentally when fishing for halibut.

DEPARTMENT COMMENTS**:** The department OPPOSES this proposal because it would undermine the current stock assessment approach. The department believes the current stock assessment approach to be the most biologically sound method available for determining sustainable yields in Chatham Strait. The department has spent considerable time and effort developing a stock assessment program for Chatham sablefish. This approach allows us to estimate biomass and apply a harvest rate for setting the annual harvest objective (AHO). Under this scenario the AHO increases with increasing stock size and decreases with declining stocks.
This approach requires that we tag and release sablefish in the middle of the summer and also that we conduct our annual longline survey prior to the start of the fishery during a period of favorable tides. Logistically ALASKA DEPARTMENT OF FISH AND GAME does not have enough time to accomplish both of these tasks with a fishery start date of August 1.

Over the past two winters the Department has conducted off-season fishing to collect information about the NSEI sablefish population during the winter and spring. A total of 9 vessels and 12 permit holders have participated in this program and all were included that responded to the Department's call for vessels. During this two-year period, fishing occurred during late January, February, March and April. In 2004 143,000 round pounds were taken (6%) of the commercial catch and in 2005 205,000 round pounds were taken (10% of the commercial catch). In general we found that bycatch was highest in winter months with very high catches of dogfish in January and early February (more than 1:1 with sablefish) and high bycatch of halibut, arrowtooth flounder, and skate species. The average size was similar to the regular season. There were more immature fish caught proportionately in January and February with a steady increase in percent mature fish as the season progressed (through November). We caught very few spawning females but the highest percentage was caught in February for females and January for males. Catch rates were poor in January with the best catch rates in late February. It appears that spawning fish are not available to the gear but it is unknown if that is because they spawn elsewhere or go off the bite during that time period. Catch per unit effort was higher than average during the off-season fishery and highest in February however many of the vessels that participated in the fishery have a higher CPUE than average during the regular season. Generally within vessel catch rates were similar between off-season and regular season fishing.

Over the past three years, since the 2-week lengthening of the season, there have been significant changes in how the fishery is prosecuted. Prior to the August 15 opening date the majority of permit holders began fishing on September 1, even though the season was 2.5 months long. Since the change in start date there has been a marked reduction in the "race for fish" as many permit holders are still involved in seine fishing, fish packing, and other activities. Alaskan sablefish is available during the first two weeks of August from the SSEI (Clarence) longline fishery as well from IFQ so there is no danger of losing market competition for wild Alaskan sablefish. Finally, fishermen have the opportunity to fish for halibut while they are fishing for their NSEI sablefish during the 3-month sablefish season.

<u>COST STATEMENT:</u> 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 246. 5 AAC 28.170 Sablefish possession and landing requirements for Eastern Gulf of Alaska Area. Amend this regulation as follows:

(j) If a permit holder's harvest exceeds the permit holder's equal quota share established under (f) or (g) of this section for that year, by not more than five percent, the department shall reduce the permit holder's equal quota share (EQS) for the following year by the amount of the overage [OR THE PERMIT HOLDER MAY TRANSFER IN-SEASON THE OVERAGE TO ANOTHER PERMIT HOLDER WHO HAS NOT HARVESTED THAT PERMIT HOLDER'S FULL EQUAL QUOTA SHARE. IF THE OVERAGE IS TRANSFERRED UNDER THIS SUBSECTION, BOTH PERMIT HOLDER'S SHALL RECORD THE TRANSFER IN THE HOLDER'S LOGBOOK AND IN FISH TICKETS]. This adjusted EQS is their personal quota share (PQS) for that year. If a permit holder's harvest exceeds the permit holder's equal quota share by more than five percent, the proceeds from the sale of the overage in excess of five percent shall be surrendered to the state. This adjustment policy should not be mistaken for an opportunity to routinely exceed an annual PQS or to exceed the EQS in an amount greater than 5 percent and in doing so the permit holder may be prosecuted under AS 16.05.723. A permit holder may not begin a new fishing trip if they have harvested their personal quota share (adjusted EQS), even if they are below the 5 percent allowable overage. **[**THE PROVISIONS OF THIS SUBSECTION DO NOT APPLY AFTER MAY 30, 2006.]

(k) If a permit holder's harvest is less than the permit holder's equal quota share established under (f) or (g) or this section for that year, the department shall increase the permit holder's personal quota share only for the following year by the amount of the underage that does not exceed five percent of the equal quota share. [THE PROVISIONS OF THIS SUBSECTION DO NOT APPLY AFTER MAY 30, 2006.]

PROPOSED BY: ALASKA DEPARTMENT OF FISH AND GAME

WHAT WOULD THE PROPOSAL DO? The provision allowing a legal overage/underage in the NSEI and SSEI sablefish fisheries is due to expire on May 30, 2006. This proposal makes changes to the detail language of 28.170, allowing continuation of the 5 percent overage/underage but removing the provision for transfers. It also incorporates some language as to the intent of the regulation.

WHAT ARE THE CURRENT REGULATIONS?
5 AAC 28.170. Sablefish possession and landing requirements for Eastern Gulf of Alaska Area
…(f) Except as provided in (j) of this section, in the Northern Southeast Inside Subdistrict, the holder of a CFEC permit or interim use permit for sablefish may not retain more sablefish in the directed fishery than the annual amount of sablefish equal quota share that is specified by the department. A permit holder must retain all visibly injured or dead sablefish. Sablefish that are not visibly injured or dead may be released unharmed, but the permit holder must record the live releases in a logbook by gear settings. The department shall determine the annual amount of sablefish equal quota share by dividing the annual harvest objective by the number of CFEC permits and

interim use permits eligible to be fished in the fishery. The department shall use the best available information, including harvest rate and biological data, to set the annual harvest objective.
(g) Except as provided in (j) of this section, in the Southern Southeast Inside Subdistrict, the holder of a CFEC permit or interim use permit for sablefish may not retain more sablefish in the directed fishery than the annual amount of sablefish equal quota share specified by the department. The department shall determine the annual amount of sablefish equal quota share by dividing the annual harvest objective by the number of CFEC permits and interim use permits eligible to be fished in the fishery. The department shall use the best available information, including harvest rate and biological data, to set the annual harvest objective. …
(j) If a permit holder's harvest exceeds the permit holder's equal quota share established under (f) or (g) of this section for that year, by not more than five percent, the department shall reduce the permit holder's equal quota share for the following year by the amount of the overage or the permit holder may transfer in-season the overage to another permit holder who has not harvested that permit holder's full equal quota share. If the overage is transferred under this subsection, both permit holder's shall record the transfer in the holder's logbook and in fish tickets. If a permit holder's harvest exceeds the permit holder's equal quota share by more than five percent, the proceeds from the sale of the overage in excess of five percent shall be surrendered to the state and the permit holder may be prosecuted under AS 16.05.723 . The provisions of this subsection do not apply after May 30, 2006.
(k) If a permit holder's harvest is less than the permit holder's equal quota share established under (f) or (g) of this section for that year, the department shall increase the permit holder's equal quota share only for the following year by the amount of the underage that does not exceed five percent of the equal quota share. The provisions of this subsection do not apply after May 30, 2006.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? This proposal would institutionalize the 5 percent overage/underage but remove the provision for transferring sablefish between permits. It would also prevent a permit holder from beginning a new fishing trip for the purpose of harvesting the 5 percent overage if they had already taken their annual personal quota share.

BACKGROUND: In 2003 the BOF adopted regulations allowing a 5 percent overage/underage carry forward in the southeast sablefish fisheries. These regulations are similar to those allowed in the federal IFQ fishery except that the IFQ provision is for 10 percent of the remaining portion of IFQ (not the total amount). This provision acknowledges the fact that it is very difficult for a harvester to know precisely how many pounds of fish are on board. Allowing in a percent overage/underage to be carried forward to the next season should reduce mortality from hook and release or misreporting of true catch. During the 2005 season 45 permits had a legal overage, 48 had an underage (to be carried forward) and 9 vessels had overages in excess of 5 percent. Two permit holders transferred a total of 448 pounds of sablefish in season.

DEPARTMENT COMMENTS: The department submitted and SUPPORTS this proposal**.** Since the implementation of the 5 percent overage/underage/transfer regulation in 2003, transfers have been made 8 times. These transfers are cumbersome, difficult to track (for both the department and the processors), and are not necessary given the allowance for carrying forward overages and underages. Therefore the department would like to remove the allowance for transfers while supporting the carry-forward provisions. Also the department suggests strengthening the language regarding the intent of the carry-forward. Reported illegal overages have gone from 4 permits and 1,100 pounds in 2003 to 9 permits and 9,250 pounds. In order for the overage provision to work it must not be seen as a goal to catch the PQS and the allowable overage. There must be penalties for routinely exceeding the legal overage, particularly when these amounts are significant.

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.

Pacific Cod

PROPOSAL 244. 5 AAC 28. XXX Pacific Cod Possession and Landing Requirements. Create a new regulation to provide the following:

A trip limit shall be 15,000 pounds per trip in a five or six day limit.

PROPOSED BY: Sam Smith, Jr. and Rick Nobert

WHAT WOULD THE PROPOSAL DO? This proposal would limit a vessel or permit holder from delivering more than 15,000 pounds within a five or six day period.

WHAT ARE THE CURRENT REGULATIONS?
There are currently no trip limits on Pacific cod. The fishery is managed on a guideline harvest limit and areas may be closed in season if the fishery has been concentrated in a small area.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? Under the current fishery at least 6 vessels would have been negatively affected by this proposal over the past 3 years. It is difficult to judge the fleet size for directed Pacific cod fishermen because bycatch of Pacific cod is often landed on a directed fishery card. However, between 2003 and 2005 there were 21 vessels landing more than 5,000 pounds of cod annually and 11 of these landed more than 15000 pounds annually. Six of these vessels have landed more than 15000 pounds in a 5 day period at least once between 2004 and 2005.

BACKGROUND: In 2005 in-season management action was taken in the directed Pacific cod fishery to close down a portion of the NSEI area in the vicinity of Frederick Sound. This was done to spread catch and effort over a wider area and prevent the total

annual quota from being harvested from spawning fish in the Frederick Sound area. The fishermen that submitted this proposal were negatively affected by that closure as they were selling fish into Wrangell. Their intent for the trip limit was to provide for a longer season. There are two types of Pacific cod fishing in Southeast: fish sold to processors and fish sold to crab fishermen. Vessels that sell to crab fishermen often land more than 15,000 pounds of fish in a 5-day period as they are providing bait for a time limited fishery. There are also some vessels that land this amount (usually in two trips) to processors within a one-week period. In 2005, 2 vessels made a total of 3 deliveries greater than 15000 in a five day period.

DEPARTMENT COMMENTS: The department is NEUTRAL on 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.

Rockfish

PROPOSAL 234. 5 AAC 01.745. REGULATION TITLE Subsistence bag and possession limits. Amend the regulation as follows:

Subsistence fishermen may retain one state possession limit for rockfish.

PROPOSED BY: Alaska Native Halibut Subsistence Working Group, RuralCap

WHAT WOULD THE PROPOSAL DO? If adopted, the proposal would limit subsistence fishermen in the subsistence halibut fishery to one state possession limit of rockfish. The proposal does not specify which existing bag and possession limits would be imposed.

WHAT ARE THE CURRENT REGULATIONS?

Current State Regulations

	Subsistence	Sport	Personal Use
Bottomfish	All gear except rod & reel No limit	Rod & reel, 2 hook max 5 bag / 10 possession	Handline/longline No limit, except Sitka/Ketchikan
Halibut	Single line, 2 hook max 2 bag / 4 possession	Rod & reel, 2 hook max 2 bag / 4 possession	Single line, 2 hook max 2 bag / 4 possession

Subsistence Regulations:

- **5 AAC 01.005.** Subsistence Fishing permitted.
- **5 AAC 01.010.** Methods, means, and general provisions.
  (a) Unless otherwise provided in this chapter, the following are legal types of gear for subsistence fishing:

(1) gear specified in 5 AAC 39.105;

(2) jigging gear...

(3) a spear . . .

(4) a lead

(b) Finfish may be taken for subsistence purposes by Alaskan residents.

(g) Subsistence fishing by rod and reel is prohibited unless provided for in regulations. (k) gillnet . . .

- **5 AAC 01.015** No permit required for taking of rockfish (bottomfish).
- **5 AAC 01.666** Customary and traditional subsistence uses of fish stocks.
  The Alaska Board of Fisheries finds that the following fish stocks are customarily and traditionally taken or used for subsistence:

(2) bottomfish and halibut in waters of Yakutat Bay, including Russell Fjord, and in waters of Alaska bounded by a line from Point Manby, at 59° 41.66' N. lat., 140° 19.57' W. long., to 59° 39.17' N. lat., 140° 26.75' W. long. to Ocean Cape, at 59° 31.62' N. lat., 139° 49.87' W. long., to 59° 29.69' N. lat., 139° 55.18' W. long.

- **5 AAC 01.716.** (Southeast Alaska) Customary and Traditional Findings and Amounts Necessary for Subsistence (Figure 234-1).
  Positive C&T findings for bottomfish in all Districts, except 1, 4, and 11, where there are no findings. No ANS in regulations. Administrative ANS findings (1993), Southeast Non-Salmon Finfish, 146,300.

(a) The Alaska Board of Fisheries finds that the following fish stocks are customarily and traditionally taken or used for subsistence:

(1) herring, herring spawn, bottomfish, and halibut in waters of Section 15-A;

(3) herring, herring spawn, bottomfish, and halibut in waters of District 14 east of the longitude of Point Dundas;

(5) herring, herring spawn, bottomfish, and halibut in waters of District 12 between the latitude of Parker Point and the latitude of Point Caution, and in Section 13-C east of the longitude of Point Elizabeth;

(9) herring, herring spawn, bottomfish, and halibut in waters of Section 9-B north of the latitude of Point Ellis, in waters of District 10 west of a line from Pinta Point to Point Pybus, and in waters of District 5 north of 56° 40' N. lat.;

(12) salmon, Dolly Varden char, bottomfish, and halibut in waters of District 2 north of the latitude of the northernmost tip of Chasina Point and west of a line from the northernmost tip of Chasina Point to the easternmost tip of Grindall Island to the easternmost tip of the Kasaan Peninsula;

(14) bottomfish and halibut in waters of Section 3-B;

(17) bottomfish and halibut in waters of Section 3-A;

(20) salmon, herring, herring spawn, bottomfish, halibut, and Dolly Varden in waters of District 5 north of a line from Point St. Albans to Cape Pole, in waters of Section 6-A west of a line from Macnamara Point to Mitchell Point, and in waters of Section 6-B west of the longitude of Macnamara Point;

(21) salmon, other than sockeye salmon as provided in (8) of this section, bottomfish, and halibut in the waters of District 13;

(23) herring, herring spawn, bottomfish, halibut, salmon, Dolly Varden, and steelhead trout in the waters of Districts 7 and 8.

- **5 AAC 01.725.** Waters closed to subsistence fishing.
  (b) Groundfish may not be taken off Cape Edgecumbe…
- **5 AAC 01.730.** (Southeast Alaska) Subsistence Fishing Permits. No permit required for taking of rockfish (bottomfish).
- **5 AAC 01.745.** (Southeast Alaska) Subsistence bag and possession limits. No bag or possession limits for rockfish (bottomfish).

Sport Fishing Regulations: (Southeast Alaska)

- **5 AAC 47.020** Seasons, bags, possessions, annual, size limits, for salt waters . . .
  - (8) rockfish….
    The region wide sport fishery bag limit for rockfish is species specific, a five fish bag and ten fish possession limit for pelagic rockfish and a five fish bag and ten fish possession limit for non-pelagic rockfish of which only two per day and four in possession may be yelloweye rockfish. There are provisions for more limited bag and possession limits for yelloweye rockfish in the Ketchikan and Sitka Sound special use areas. Sport fishing gear is limited to a rod and reel with one line per angler.

Personal Use Regulations: (Southeast Alaska)

- **5 AAC 77.674**. Personal use bottomfish fishery

In the personal use taking of bottomfish

(1) bottomfish may be taken at any time;

(2) bottomfish may be taken for personal use only by longline or hand held line; unattended gear must be marked as described in 5 AAC 77.010(d);

(3) there are no daily bag or possession limits, except

(A) in the Sitka vicinity:

(i) in Sitka Sound Special Use Area, which is that area of Sitka Sound enclosed on the north by lines from Kruzof Island at 57° 20.50' N. lat., 135° 45.17' W. long. to Chichagof Island at 57° 22.05' N. lat., 135° 43' W. long., and from Chichagof Island at 57° 22.58' N. lat., 135° 41.30' W. long. to Baranof Island at 57° 22.28' N. lat., 135° 40.95' W. long., and on the south and west by a line running from the southernmost tip of Sitka Point at 56° 59.38' N. lat., 135° 49.57' W. long. to Hanus Point at 56° 51.92' N. lat., 135° 30.50' W. long. to the green day marker in Dorothy Narrows to Baranof Island at 56° 49.28' N. lat., 135° 22.60' W. long., the daily possession limit for rockfish is three fish, of which no more than one may be a yelloweye rockfish (Sebastes ruberrimus);

(ii) the waters off Cape Edgecumbe enclosed by a box defined as 56° 55.5' N. lat. and 56° 57' N. lat., and 135° 54' W. long. and 135° 57' W. long., are closed to fishing for all species of bottomfish;

(B) in the Ketchikan vicinity: in all waters of Section 1-E south of the latitude of Bushy Point Light and in the waters of Section 1-F north of lines from Point Alava to the southernmost tip of Ham Island, from Cedar Point to Dall Head, and from Dall Head to a point on the District 1 boundary in Clarence Strait at the latitude of Dall Head, the bag and possession limit for rockfish is three fish, no more than one of which may be yelloweye rockfish (Sebastes rubberrimus);

(4) a person on board a vessel from which a longline was used to take bottomfish for personal use in the Northern Southeast Inside or the Southern Southeast Inside sections is subject to the restrictions in 5 AAC 28.180;

(5) bottomfish taken under personal use regulations may not be used as bait in a commercial fishery.

<u>WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED?</u> If adopted this proposal would impose a possession limit for rockfish on the halibut

subsistence fishery, currently there is none. It is unclear if the proponents meant to impose a sport fishing bag limit. A bag limit could result in a decrease in the incidental catch of rockfish taken on subsistence halibut gear. The full implications of adopting this proposal are unclear. Because rockfish usually die if caught below 20 fathoms it is unlikely that a possession limit would reduce mortality and could result in waste of fish.

BACKGROUND: Rockfish are used for subsistence purposes in communities throughout their range in Alaska. The North Pacific Fisheries Management Council established regulations for a subsistence halibut fishery in 2003. There has been confusion about the subsistence possession limits for bottomfish associated with this federal fishery. Results of a voluntary mail out survey of federal subsistence halibut harvesters revealed that rockfish are the primary incidental catch in the fishery (Table 234-1). Rockfish harvested incidentally in the federal subsistence halibut fishery are utilized as food for human consumption. The department has no information showing that incidentally caught rockfish are discarded at this time.

The state of Alaska manages all rockfish fisheries in State waters and has been delegated management authority for demersal shelf and black rockfish in Federal waters. All waters of Southeast Alaska open to subsistence and personal use fishing are also open to the federal subsistence halibut fishery with the exception of the Ketchikan and Juneau non-subsistence areas [5 AAC 99015, Figure 234-1]. Currently there are no limits for subsistence bottomfish in areas with positive Customary and Traditional use findings for bottomfish.

The Alaska Department of Fish and Game, Subsistence Division collects information on halibut, rockfish and lingcod harvests in the federal subsistence halibut fishery through a voluntary mail survey. There are only broad area descriptions for incidental rockfish harvests (Sitka LAMP, Northern Southeast, and Southern Southeast). The estimated rockfish harvest in Southeast Alaska in 2004 was 12,845 fish and 9,917 fish in 2003.

DEPARTMENT COMMENT: The department is NEUTRAL on the potential allocative issues associated with this proposal. The determination of reasonable opportunity for subsistence fisheries is the purview of the BOF.

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 234-1 Estimated subsistence halibut and associated rockfish harvest in area 2C, 2004, by general area.

Area	# halibut	#rockfish	# rockfish/20 halibut
Sitka LAMP	5311	4205	15.84
Southern SE	11601	7249	12.50
Northern SE	5430	1391	5.12
Total	22342	12845	11.50

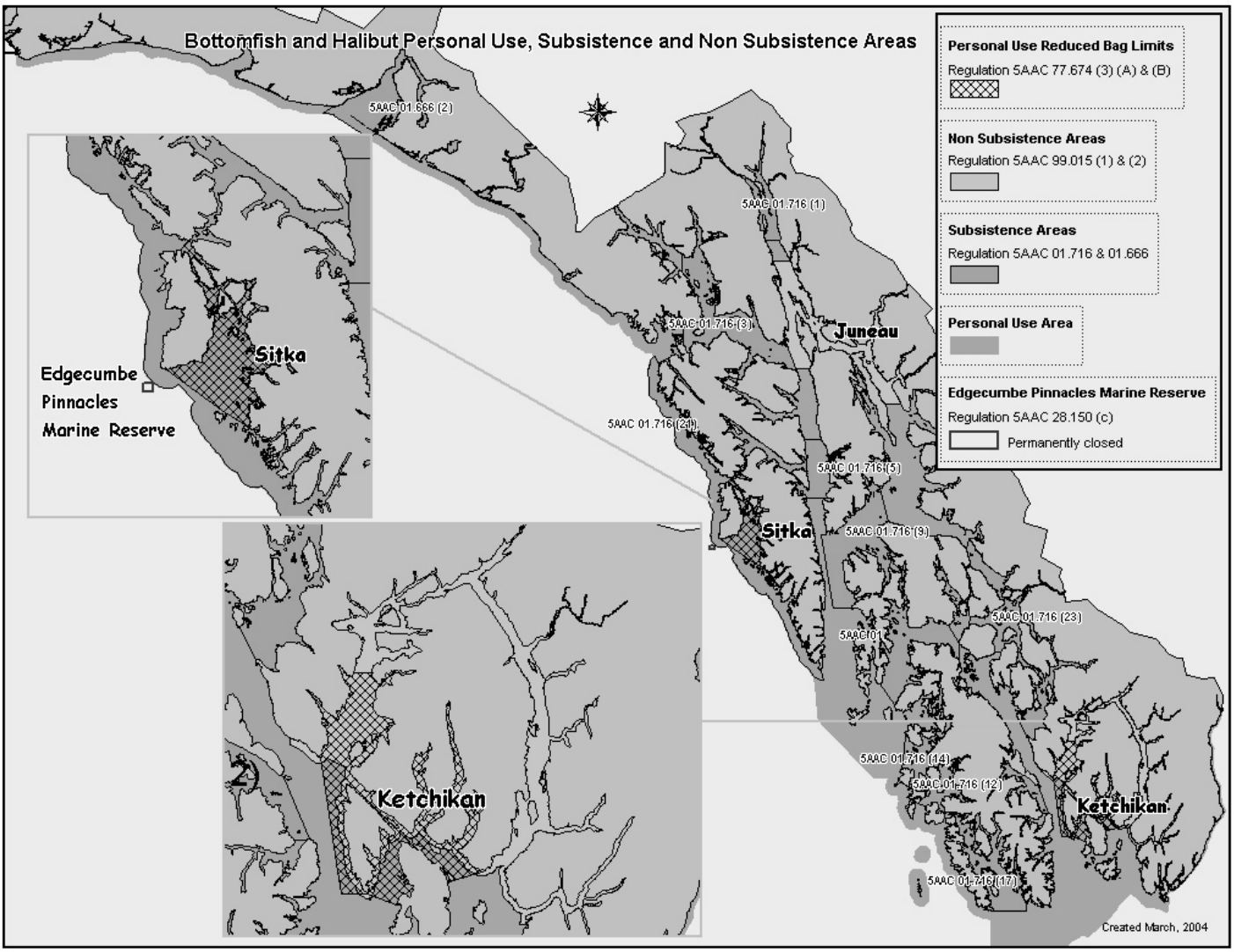

Figure 234-1. Subsistence and personal use areas for bottomfish and halibut.

PROPOSAL 232, PAGE 172. 5 AAC 47.020. General provisions for seasons and bag, possession, annual, and size limits for the salt waters of the Southeast Alaska Area; and 5 AAC 47.021 Special provisions for seasons, bag, possession, and size limits, and methods and means for the salt waters of Southeast Alaska Area. Amend the regulations to include the following:

Improve reporting of demersal shelf rockfish harvest and catch by guided anglers and reduce the harvest by guided anglers.

PROPOSED BY: Alaska Longline Fishermen's Association.
WHAT WOULD THIS PROPOSAL DO? This proposal would require better reporting of demersal shelf rockfish (DSR) harvested and DSR caught and released by guided anglers. This proposal also seeks to reduce harvest by guided anglers by: 1. Not allowing retention of yelloweye rockfish by charter captains and crew; 2. Reducing the bag and possession limit for guided anglers to one per day; 3. Eliminating the directed guided sport fishery for yelloweye rockfish by establishing a ratio of one yelloweye per two halibut; and/or 4. Require guided anglers to stop fishing once they have caught their yelloweye bag limit. This proposal also suggests the formation of a Board Task Force to develop a rockfish management plan that is acceptable to all sectors of the fishing industry.

WHAT ARE THE CURRENT REGULATIONS? For pelagic rockfish the regional bag limit is 5 and the possession limit is 10 fish. For non-pelagic rockfish (DSR) the regional bag limit is 5 and the possession limit is 10 of which only 2 per day and 4 in possession may be yelloweye rockfish. In the Ketchikan and Sitka Sound Special Use Areas the bag and possession limit for non-pelagic rockfish is 3 fish, of which no more than 1 may be a yelloweye rockfish.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL IS ADOPTED? Adoption of this proposal will reduce the harvest of yelloweye rockfish by all guided anglers. The amount of the reduction would vary depending on which regulations were implemented. Not allowing retention of yelloweye rockfish by charter captains and crew would reduce yelloweye harvest by less than 2%, or about 350 fish per year. Reducing the bag and possession limit to 1 yelloweye rockfish is estimated to reduce the total yelloweye harvest by 25%. The department is unable to estimate the effect of the last two options, because most rockfish are harvested by anglers targeting other species, and the effect of these regulations would be dependent on angler behavior. If a ratio of yelloweye to halibut harvested were established, or if guided anglers were required to stop fishing once they have caught their yelloweye bag limit, one would assume that most anglers would not retain any yelloweye rockfish until near the end of their fishing trip. Thus, the reduction in DSR harvest as a result of these regulations would be minimal. If anglers were required to keep all yelloweye rockfish until their bag limit was attained and then stop fishing, these regulations could result in a significant reduction in yelloweye harvest as well as reductions in all other species such as halibut and salmon.

BACKGROUND: Rockfish are slow growing and long-lived and, as such, are very susceptible to overharvest. Rockfish have closed swim bladders, and when brought to the surface from deep water they have difficulty swimming back down and are subject to embolism mortality. As a result, the department considers all released DSR to be fatally injured. The department manages the catch of DSR in all fisheries on the outer coast of SE Alaska to achieve a total allowable catch (TAC) which is set each year at a level that will ensure sustainability of the resource. In 2005, the directed commercial rockfish fishery was not opened because estimated bycatch in the commercial halibut fishery (354 metric tons) and the total catch (harvest + release) in the sport fishery (104 metric tons) accounted for the entire TAC (410 metric tons).

The department collects catch and harvest information on rockfish via dockside creel survey interviews, mandatory charter boat logbooks, and random postal surveys of anglers through the annual Statewide Harvest Survey program (SWHS). The charter logbook program provides harvest and catch estimates for pelagic and non-pelagic rockfish caught by charter clients. The percentage of the total harvest of rockfish taken by charter clients has averaged 67% over the past five years and has ranged from 41% in 1999 to 80% in 2003. The creel program provides harvest and catch estimates and species composition of harvested rockfish for guided and non-guided anglers. The SWHS provides harvest estimates for all rockfish for resident and nonresident anglers. Since 1993, the percentage of the total rockfish harvest taken by nonresidents has ranged between 54% and 78%, with a trend toward increasing harvest by nonresidents in recent years. During the last 5 years nonresidents have taken an average of 73% of the total rockfish harvest.

The department's SWHS, creel survey, and logbook methods were not designed to obtain accurate estimates of DSR mortality related to the TAC on SE outside waters. To improve the rockfish mortality estimates in the sport fishery in 2006, the department will modify the creel and logbook programs to obtain more detailed information on harvest, catch, and size of yelloweye rockfish harvested, as well as harvest, catch and species composition of other DSR. In addition, weekly reporting of logbook pages showing catch and harvest will be required, and the department will implement methods to verify the accuracy of logbook information.

DEPARTMENT COMMENTS: The department is NEUTRAL on this proposal because it involves allocation. However, the department does SUPPORT methods of reducing harvest and incidental mortality of DSR in all fisheries to stay within Alaska's total allowable catch. The department also SUPPORTS the concept of a Board task force to develop a management plan for all sectors of the fishery.

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

PROPOSAL 230, PAGE 171, 5 AAC 47.020(8). General provisions for seasons and bag, possession, annual, and size limits for the saltwaters of the Southeast Alaska Area. Amend the regulations to include the following:

Reduce the yelloweye rockfish region-wide bag and possession limit for nonresidents to one per day, two in possession.

PROPOSED BY: Randall Polkert.

WHAT WOULD THIS PROPOSAL DO? This proposal would reduce the nonresident region-wide bag and possession limit for yelloweye rockfish from two per day, four in possession, to one per day, two in possession.

WHAT ARE THE CURRENT REGULATIONS? For pelagic rockfish the regional bag limit is 5 with a possession limit of 10 fish. For non-pelagic rockfish (DSR) the regional bag limit is 5, with a possession limit of 10, of which only 2 per day and 4 in possession may be yelloweye rockfish. In the Ketchikan and Sitka Sound special use areas, the bag and possession limits for non-pelagic rockfish is 3 fish, of which no more than 1 may be a yelloweye rockfish.
WHAT WOULD BE THE EFFECT IF THE PROPOSAL IS ADOPTED? Adoption of this proposal would reduce the harvest of yelloweye rockfish by nonresident anglers. We estimate that this proposal will reduce yelloweye harvest by approximately 25%.

BACKGROUND: Rockfish are slow growing and long-lived and therefore susceptible to over harvest. Rockfish have closed swim bladders, and when brought to the surface from deep water they have difficulty swimming back down and are subject to embolism mortality. As a result, the department considers all DSR catch, including DSR rockfish that are not retained, to be fatally injured. The department manages the catch of DSR in all fisheries on the outer coast of SE Alaska to achieve a total allowable catch (TAC) which is set each year at a level that will ensure sustainability of the resource. In 2005, the directed commercial DSR fishery was not opened because estimated bycatch in the commercial halibut fishery (354 metric tons) and the total catch (harvest + release) in the sport fishery (104 metric tons) accounted for the entire TAC (410 mt). The department collects harvest information on rockfish via dockside creel survey interviews, mandatory charter boat logbooks, and random postal surveys of anglers through the annual Statewide Harvest Survey program (SWHS**).** The charter logbook program provides harvest and catch estimates for pelagic and non-pelagic rockfish caught by charter clients. The creel program provides harvest and catch estimates and species composition of harvested rockfish for guided and non-guided anglers. The SWHS provides harvest estimates for all rockfish for resident and nonresident anglers. Since 1993, the percentage of the total rockfish harvest taken by nonresidents has ranged between 54% and 78%, with a trend toward increasing harvest by nonresidents in recent years. During the last 5 years nonresidents have taken an average of 73% of the total rockfish harvest.

The department's SWHS, creel survey, and logbook methods were not designed to obtain accurate estimates of DSR mortality related to the TAC on SE outside waters. To improve the rockfish mortality estimates in the sport fishery in 2006, the department will

modify the creel and logbook programs to obtain more detailed information on harvest, catch, and size of yelloweye rockfish harvested, as well as harvest, catch and species composition of other demersal shelf rockfish (DSR). In addition, weekly reporting of logbook pages showing catch and harvest will be required, and the department will implement methods to verify the accuracy of logbook information.

DEPARTMENT COMMENTS: The department is NEUTRAL on this proposal because it involves allocation between fisheries. However, the department does SUPPORT methods of reducing harvest and incidental mortality of DSR in all fisheries to stay within Alaska's total allowable catch.

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

PROPOSAL 231, PAGE 171. 5 AAC 47.030(g). Methods, means, and general provisions-finfish. Amend the regulations to include the following:

Operators and crew of charter vessels are prohibited from retaining yelloweye rockfish while clients are on board the vessel.

PROPOSED BY: Randall Polkert.

WHAT WOULD THIS PROPOSAL DO? This proposal would prohibit operators and crew from retaining yelloweye rockfish while clients are on board the vessel.

WHAT ARE THE CURRENT REGULATIONS? For pelagic rockfish the regional bag limit is 5 and the possession limit is 10 fish. For non-pelagic rockfish (DSR) the regional bag limit is 5, the possession limit is 10 fish, of which only 2 per day and 4 in possession may be yelloweye rockfish. In the Ketchikan and Sitka Sound special use areas the bag and possession limit for non-pelagic rockfish in 3 fish, of which no more than 1 may be a yelloweye rockfish. Operators and crewmembers may retain rockfish, however they may not fish with more lines than the number of paying clients on board (up to a maximum of 6 lines).

WHAT WOULD BE THE EFFECT IF THE PROPOSAL IS ADOPTED? During the last five years charter clients and crew have harvested an average of 18,000 yelloweye rockfish per year. Less than 2% of the harvest of yelloweye rockfish was retained by crewmembers. Adoption of this proposal is estimated to reduce harvest by about 350 yelloweye rockfish per year.

BACKGROUND: Currently, the department collects guided angler catch and harvest information on pelagic and non-pelagic rockfish via dock-side creel survey interviews, mandatory charter boat logbooks, and random postal surveys of guided anglers through the annual Statewide Harvest Survey program (SWHS**).** These survey methods were not designed to specifically estimate the number of yelloweye rockfish harvested. In 2006 the department will modify the creel and logbook programs to obtain more detailed information on yelloweye rockfish harvest, catch, size of fish harvested, as well as catch,

harvest and species composition of other demersal shelf rockfish (DSR). In addition, weekly reporting of all logbook pages showing catch and harvest will be required, and the department will implement methods to verify the accuracy of logbook information.

DEPARTMENT COMMENTS: The department SUPPORTS this proposal. The department has submitted a similar proposal that would prohibit retention of any species of fish by crewmembers when paying clients are on board a charter vessel throughout the state. The Board will act on this proposal at the statewide shellfish meeting to be held in March.

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

PROPOSAL 230, PAGE 171, 5 AAC 47.020(8). General provisions for seasons and bag, possession, annual, and size limits for the saltwaters of the Southeast Alaska Area. Amend the regulations to include the following:

Reduce the yelloweye rockfish region-wide bag and possession limit for nonresidents to one per day, two in possession.

PROPOSED BY: Randall Polkert.

WHAT WOULD THIS PROPOSAL DO? This proposal would reduce the nonresident region-wide bag and possession limit for yelloweye rockfish from two per day, four in possession, to one per day, two in possession.

WHAT ARE THE CURRENT REGULATIONS? For pelagic rockfish the regional bag limit is 5 with a possession limit of 10 fish. For non-pelagic rockfish (DSR) the regional bag limit is 5, with a possession limit of 10, of which only 2 per day and 4 in possession may be yelloweye rockfish. In the Ketchikan and Sitka Sound special use areas, the bag and possession limits for non-pelagic rockfish is 3 fish, of which no more than 1 may be a yelloweye rockfish.
WHAT WOULD BE THE EFFECT IF THE PROPOSAL IS ADOPTED? Adoption of this proposal would reduce the harvest of yelloweye rockfish by nonresident anglers. We estimate that this proposal will reduce yelloweye harvest by approximately 25%.

BACKGROUND: Rockfish are slow growing and long-lived and therefore susceptible to over harvest. Rockfish have closed swim bladders, and when brought to the surface from deep water they have difficulty swimming back down and are subject to embolism mortality. As a result, the department considers all DSR catch, including DSR rockfish that are not retained, to be fatally injured. The department manages the catch of DSR in all fisheries on the outer coast of SE Alaska to achieve a total allowable catch (TAC) which is set each year at a level that will ensure sustainability of the resource. In 2005, the directed commercial DSR fishery was not opened because estimated bycatch in the commercial halibut fishery (354 metric tons) and the total catch (harvest + release) in the sport fishery (104 metric tons) accounted for the entire TAC (410 mt). The department

collects harvest information on rockfish via dockside creel survey interviews, mandatory charter boat logbooks, and random postal surveys of anglers through the annual Statewide Harvest Survey program (SWHS**).** The charter logbook program provides harvest and catch estimates for pelagic and non-pelagic rockfish caught by charter clients. The creel program provides harvest and catch estimates and species composition of harvested rockfish for guided and non-guided anglers. The SWHS provides harvest estimates for all rockfish for resident and nonresident anglers. Since 1993, the percentage of the total rockfish harvest taken by nonresidents has ranged between 54% and 78%, with a trend toward increasing harvest by nonresidents in recent years. During the last 5 years nonresidents have taken an average of 73% of the total rockfish harvest.

The department's SWHS, creel survey, and logbook methods were not designed to obtain accurate estimates of DSR mortality related to the TAC on SE outside waters. To improve the rockfish mortality estimates in the sport fishery in 2006, the department will modify the creel and logbook programs to obtain more detailed information on harvest, catch, and size of yelloweye rockfish harvested, as well as harvest, catch and species composition of other demersal shelf rockfish (DSR). In addition, weekly reporting of logbook pages showing catch and harvest will be required, and the department will implement methods to verify the accuracy of logbook information.

DEPARTMENT COMMENTS: The department is NEUTRAL on this proposal because it involves allocation between fisheries. However, the department does SUPPORT methods of reducing harvest and incidental mortality of DSR in all fisheries to stay within Alaska's total allowable catch.

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

PROPOSAL 231, PAGE 171. 5 AAC 47.030(g). Methods, means, and general provisions-finfish. Amend the regulations to include the following:

Operators and crew of charter vessels are prohibited from retaining yelloweye rockfish while clients are on board the vessel.

PROPOSED BY: Randall Polkert.

WHAT WOULD THIS PROPOSAL DO? This proposal would prohibit operators and crew from retaining yelloweye rockfish while clients are on board the vessel.

WHAT ARE THE CURRENT REGULATIONS? For pelagic rockfish the regional bag limit is 5 and the possession limit is 10 fish. For non-pelagic rockfish (DSR) the regional bag limit is 5, the possession limit is 10 fish, of which only 2 per day and 4 in possession may be yelloweye rockfish. In the Ketchikan and Sitka Sound special use areas the bag and possession limit for non-pelagic rockfish in 3 fish, of which no more than 1 may be a yelloweye rockfish. Operators and crewmembers may retain rockfish, however they may not fish with more lines than the number of paying clients on board (up to a maximum of 6 lines).

WHAT WOULD BE THE EFFECT IF THE PROPOSAL IS ADOPTED? During the last five years charter clients and crew have harvested an average of 18,000 yelloweye rockfish per year. Less than 2% of the harvest of yelloweye rockfish was retained by crewmembers. Adoption of this proposal is estimated to reduce harvest by about 350 yelloweye rockfish per year.

BACKGROUND: Currently, the department collects guided angler catch and harvest information on pelagic and non-pelagic rockfish via dock-side creel survey interviews, mandatory charter boat logbooks, and random postal surveys of guided anglers through the annual Statewide Harvest Survey program (SWHS**).** These survey methods were not designed to specifically estimate the number of yelloweye rockfish harvested. In 2006 the department will modify the creel and logbook programs to obtain more detailed information on yelloweye rockfish harvest, catch, size of fish harvested, as well as catch, harvest and species composition of other demersal shelf rockfish (DSR). In addition, weekly reporting of all logbook pages showing catch and harvest will be required, and the department will implement methods to verify the accuracy of logbook information.

DEPARTMENT COMMENTS: The department SUPPORTS this proposal. The department has submitted a similar proposal that would prohibit retention of any species of fish by crewmembers when paying clients are on board a charter vessel throughout the state. The Board will act on this proposal at the statewide shellfish meeting to be held in March.

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

PROPOSAL 233, PAGE 173. 5 ACC 47.021. Special provisions for seasons, bag, possession, and size limits, and methods and means for the salt waters of Southeast Alaska Area. Amend the regulations to include the following:

The bag limit for demersal rockfish in District 1 by guided anglers is 1 fish.

PROPOSED BY: Tongass Sportfishing Association

WHAT WOULD THIS PROPOSAL DO? This proposal will reduce the bag limit for demersal rockfish in District 1 by guided anglers to one fish.

WHAT ARE THE CURRENT REGULATIONS? For non-pelagic rockfish (DSR) the regional bag limit is 5, the possession limit is 10 of which only 2 per day and 4 in possession may be yelloweye rockfish. In portions of district 1 (Ketchikan area) the bag and possession limit for non-pelagic rockfish is 3 fish, of which no more than 1 may be a yelloweye rockfish.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL IS ADOPTED? This proposal would reduce the demersal rockfish limit in District 1 for guided sport fishers from 3 or

5, depending the area, to one fish per day for all of District 1. The expected reduction in harvest is 25%.

BACKGROUND: Currently, the department collects guided angler catch and harvest information of rockfish via dockside creel survey interviews, mandatory charter boat logbooks, and random postal surveys of guided anglers through the annual Statewide Harvest Survey program (SWHS). The Ketchikan management area is approximately equivalent to the District 1 commercial fisheries management area. Since 1999, an average of 2,700 DSR have been reported on charter logbooks in the Ketchikan area. However, there is an increasing trend with 2003 (3,300 DSR) and 2004 (4,900 DSR) being the two highest years of harvest.

DEPARTMENT COMMENTS: The department is NEUTRAL on this proposal because it involves allocation. However, the department SUPPORTS methods of reducing harvest and incidental mortality of DSR in all fisheries to stay within Alaska's total allowable catch.

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

PROPOSAL 227. 5 AAC 28.150. Closed waters in the Eastern Gulf of Alaska area. Amend the regulation as follows:

Commercial fishing for demersal rockfish in Area 1 shall be closed indefinitely.

Area 1 is that area of 1-F south of Ketchikan which includes Blank Inlet, Dall Head, Mountain Point, Bold and Round islands, Mary and Twin islands, Point Alva, Thorne Arm, and George and Carroll inlets.

PROPOSED BY: Tongass Sportfishing Association

WHAT WOULD THE PROPOSAL DO? This proposal would close commercial fishing for DSR in Area 1-F south of Ketchikan that includes Blank Inlet, Dall Head, Mountain Point, Bold and Round islands, Mary and Twin islands, Point Alva, Thorne Arm, and George and Carroll Inlet. See Figure 1.

WHAT ARE THE CURRENT REGULATIONS?
The following waters are closed to the taking of Demersal Shelf Rockfish…
2) in the Ketchikan vicinity: in all waters of Behm Canal, Clarence Strait, Tongass Narrows, Nichols Passage, George Inlet, Carroll Inlet, Thorne Arm, Revillagigedo Channel, and all contiguous waters enclosed by the latitude of Bushy Point Light, a line from point Alava to the southernmost tip of Ham Island, a line from Cedar Point to Dall Head, and a line from Dall Head to a point in midstream Clarence strait at the latitude of Dall Head to Camano Point.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? This proposal, if adopted, would prevent directed DSR harvesters from fishing south of Roe Point to Dixon Entrance (figure 227.1). They are already prevented from fishing north of this area in the vicinity of Ketchikan. This could mean they need to run further inside to fish in protected waters.

BACKGROUND: Groundfish statistical areas do not match salmon boundaries so it is impossible to directly evaluate harvest from area 1F. Approximately 2/3 of groundfish statistical areas 315501 and 315432 occur in area 1F (Figure 227-1). Total DSR landings from these two statistical areas are shown below, there is no way to calculate the catch only from area 1F (Table 227-1). Directed totals that are shaded are confidential. The area bounded by the dotted line in Figure 227-1 (waters around Ketchikan, Gravina Island, and upper Annette Island) has been closed to directed commercial fishing for DSR since 1998.

DEPARTMENT COMMENTS: The department is NEUTRAL on this proposal. This is an allocative proposal. There is a full retention policy in place for DSR in Southeast commercial fisheries for halibut and bottomfish. This is because rockfish have a closed swim bladder and suffer fatal embolism mortality when landed on fishing gear. Full retention allows documentation of commercial catch mortality. So, even in the absence of any directed fishing for DSR there will be landed catch of DSR.

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

Table 227-1. Directed DSR landings from statistical area 315501 and 315432, by year.

Year	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005
Round pounds	4,831		2,772		2,455		10,929	12,237	0	0

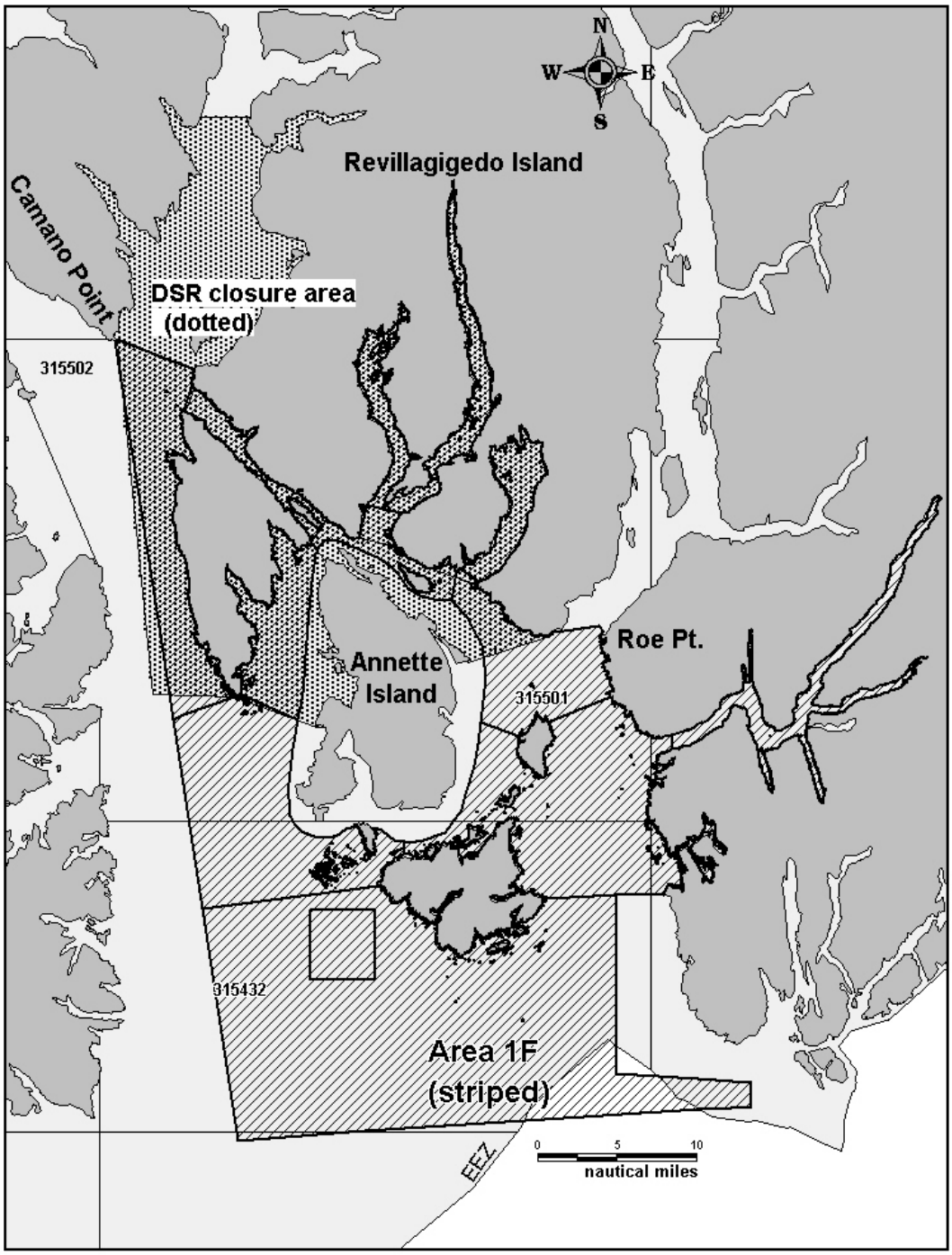

Figure 227-1. Areas currently closed and proposed for closure in the Ketchikan area to directed fishing for DSR.

PROPOSAL 226. 5 AAC 28.171. Rockfish possession and landing requirements for the Eastern Gulf of Alaska area. Amend the regulation as follows:

Maintain sport regulations, as in 2004, for demersal shelf rockfish (DSR), and recommend reducing DSR bycatch in longline fisheries.

PROPOSED BY: Sitka Charter Boat Operators Association

WHAT WOULD THE PROPOSAL DO? The proposals requests reducing DSR bycatch in the commercial longline fisheries while maintaining 2004 sport fish bag and possession limits for yelloweye.

WHAT ARE THE CURRENT REGULATIONS? 5 AAC 28.171. Rockfish possession and landing requirements for the Eastern Gulf of Alaska area a) In the Southeast District, a CFEC permit holder must retain, weigh, and report all demersal shelf rockfish taken…all demersal shelf rockfish in excess of 10 percent, round weight, of all target species on board the vessel must be weighed and reported as bycatch overage on an ALASKA DEPARTMENT OF FISH AND GAME fish ticket. All proceeds for the sale of excess demersal shelf rockfish bycatch shall be surrendered to the state.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? If this proposal were adopted, there would be no actual reduction in mortality of DSR bycatch associated with non-directed commercial longline fisheries. DSR have a closed swim bladder and are fatally injured when brought to the surface on longline gear. There is some inherent bycatch of DSR associated with longline fisheries, particularly the halibut fishery and there is a limit to how much the true mortality can be reduced through regulation.

BACKGROUND: The DSR fishery in the Southeast Outside Subdistrict is managed by ALASKA DEPARTMENT OF FISH AND GAME under authority from the NPFMC. The allowable biological catch (ABC) is set based on a 2 percent harvest rate of the estimated adult biomass of yelloweye adjusted for 4.2 percent of other species of DSR landed in commercial fisheries. For 2006 the DSR ABC for SEO is 410 mt. The majority of DSR mortality occurs in the longline fishery for halibut, which has been prosecuted for over one hundred years. Yelloweye and halibut overlap in their distribution so there is DSR bycatch associated with halibut fishing. In an effort to prevent "topping off" by the halibut fleet ALASKA DEPARTMENT OF FISH AND GAME and NMFS both have regulations limiting DSR bycatch in non-target longline fisheries to 10 percent of the weight of the target species. The rest of the DSR must be retained, weighed, and documented on a fish ticket (for catch accounting purposes) but may not be sold for profit by the fisherman.

The allowable bycatch limit of DSR during halibut fishing is 10 percent of the halibut weight.
Fishery-wide the 10 percent rule reflects overall bycatch of DSR against landed halibut. The 10 percent rate was determined as the legitimate "background" bycatch of DSR

associated with the halibut fishery by examining the percent bycatch of DSR on the International Pacific Halibut Commission (IPHC) surveys for halibut. IPHC has given ALASKA DEPARTMENT OF FISH AND GAME ratio data from their surveys by statistical area. For example, the 2005 IPHC survey bycatch of yelloweye by set, expressed as the percent of yelloweye weight to legal-sized halibut weight, ranged from none to 76 percent, with area estimate means ranging from 4 percent in EYKT to 17 percent in CSEO. The overall rate for SEO in 2005 was 9.3 percent. Annually this overall survey bycatch fluctuates between 9 and 13 percent.

There is a sport fish bag limit of 1 or 2 yelloweye per day depending on area fished in Southeast. Prior to 1989, there were no sport bag limits for rockfish and the harvest of rockfish increased steadily to a total of 56,800 in 1988. With the implementation of bag limits in 1989, harvest of rockfish remained relatively steady at a decreased level until 1998. In 1999, rockfish harvest began to increase again. In 2004, the total rockfish harvest increased to a high of 87,700 fish. Since 1993, nonresident anglers have accounted for 53% to 78% of the entire sport harvest, with the proportion of nonresident harvest averaging 75% during the last four years. Creel and charter logbook data indicate that approximately 25% of non-pelagic rockfish are released, but release rates for pelagic rockfish are higher, approximately 50%. Because rockfish are subject to embolism mortality, the department assumes that all released rockfish will die. For this reason, total mortality estimates include released as well as retained fish. The estimates of total mortality in the sport fishery were obtained using a combination of harvest estimates from the SWHS, catch and harvest information from the charter logbooks, and species composition and catch information from creel sampling. None of these sampling programs were designed to estimate DSR mortality by weight, and the estimates should be used with caution. In 2006 the department will modify the creel and logbook sampling procedures to improve accuracy and timeliness of total mortality estimates for rockfish.

In 2005 the department began including the estimated sport fishery mortality of DSR in the total mortality of DSR prior to setting the directed fishery quota. The combination of the sport catch and the existing bycatch in the commercial halibut fishery accounted for the entire TAC for SEO. Consequently, the department closed the directed fishery for DSR in 2005 and 2006 in SSEO and CSEO, and in 2006 in EYKT as well in an effort to keep within the regional ABC.

DEPARTMENT COMMENTS: The department does support methods of reducing harvest and incidental mortality of DSR in all fisheries to stay within Alaska's TAC. The department OPPOSES this proposal because there is no way to effectively reduce mortality of DSR in the commercial longline fishery for halibut as regulatory action has already been taken by ALASKA DEPARTMENT OF FISH AND GAME and NMFS to limit DSR bycatch in the halibut fishery to "background" bycatch levels. Also, ALASKA DEPARTMENT OF FISH AND GAME does not have management authority of the halibut fishery. .

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 226-1. Catch (mt) of Demersal Shelf Rockfish by year, area, and fishery

			Directed Landings		Bycatch Landings						Total
YEAR	ABC	Research	CSEO, NSEO, SSEO	EYKT	CSEO, NSEO, SSEO	EYKT	Estimated total halibut dsr mort	Estimated unreported halibut dsr mort	Estimated total commercial mort	Estimated sportfish dsr mort	SEO
1982			106		14				120	28	148
1983			161		15				176	29	205
1984			543		20				563	15	578
1985			388	7	100	4			499	13	512
1986			449	2	41	2			494	20	514
1987			726	77	47	5			855	18	873
1988	660		471	44	29	8			552	21	573
1989	420		312	44	101	18			475	15	490
1990	470		190	17	100	36			343	17	360
1991	425		199	187	83	36			505	18	523
1992	550		307	57	145	44			553	16	569
1993	800	13	246	99	254	18			617	20	637
1994	960	4	174	109	128	26	329	175	612	34	646
1995	580	13	110	67	90	22	220	108	397	25	422
1996	945	6	248	97	62	23	264	179	609	28	637
1997	945	13	202	65	62	25	304	217	571	38	609
1998	560		176	65	83	34	307	190	548	47	594
1999	560		169	66	74	38	286	174	521	73	594
2000	340	5	126	57	70	24	242	148	425	80	505
2001	330	6	122	50	110	37	269	122	441	71	511
2002	350	2	136	0	115	38	293	140	429	87	516
2003	360	7	102	0	123	51	281	107	383	74	457
2004	450	2	85	83	106	49	334	179	502	104	606
2005	410	4	0	41	137	55	354	162			
2006	410		0	0			349				

bycatch amount fluctuates with halibut quota and percent of halibut catch taken in SEO

halibut bycatch has been recreated to reflect actual commercial halibut landings for the year in question - then 10% for SEO (except non fairweather eykt= 75)

2001 and 2004 halibut quota increased significantly over year used to set the January DSR fishery so overharvested TAC

in 2000 and 2003 distribution of halibut catch different than predicted

2004 halibut catch data and 2004 SWHS sport data used to project 2005 and 2006

PROPOSAL 228. 5 AAC 28.111. Demersal Shelf Rockfish fishing Seasons for Eastern Gulf of Alaska area. Amend this regulation as follows:

(a) In the Southeast District, demersal shelf rockfish may be taken in a management area and in the directed fishery only as follows:

(1) **In the Southeast Outside Subdistrict,** from January 5 until the day prior to the start of the IFQ halibut season, or until the annual [1 THROUGH MARCH 14, OR UNTIL 67 PERCENT] directed harvest limit for the management area is taken, which ever occurs first;

(2) In the Northern Southeast Inside and Southern Southeast Inside Subdistricts, from January 5 until the day prior to the start of the IFQ halibut season, or until 67 percent of the annual directed harvest limit for the management area is taken, which ever occurs first; [FROM NOVEMBER 16 THROUGH DECEMBER 31, OR UNTIL 33 PERCENT OF THE ANNUAL DIRECTED HARVEST LIMIT FOR THE MANAGEMENT AREA IS TAKEN, WHICH EVER OCCURS FIRST]

(3) In the Northern Southeast Inside and Southern Southeast Inside Subdistricts, from the day following the end of the halibut IFQ season until December 31, or until 33 percent of the annual directed harvest limit for the management area is taken, which ever occurs first.

PROPOSED BY: ALASKA DEPARTMENT OF FISH AND GAME

WHAT WOULD THE PROPOSAL DO? If adopted, this proposal would have three effects: 1) change the opening date of the directed demersal shelf rockfish fishery from January 1 to January 5, 2) take specific winter closing and fall opening dates for inside waters out of the regulation, and 3) remove the split season from the Southeast Outside fisheries.

WHAT ARE THE CURRENT REGULATIONS?

5 AAC 28.111. Demersal shelf rockfish fishing seasons for Eastern Gulf of Alaska Area

(a) In the Southeast District, demersal shelf rockfish may be taken in a management area and in the directed fishery only as follows:

(1) from January 1 through March 14, or until 67 percent of the annual directed harvest limit for the management area is taken, whichever occurs first;

(2) from November 16 through December 31, or until 33 percent of the annual directed harvest limit for the management area is taken, whichever occurs first.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED?

If this proposal were adopted, the fishery would open after the winter holiday season was over instead of on New Year's Day. The outside areas would have only winter season with the total annual quota being assigned to the winter fishery. The inside waters would have the season clarified. Directed fishing may not overlap with the halibut IFQ.

BACKGROUND:

The season opens on January 1 because originally that was when the commercial fleet wanted to have the winter opening. This was to compete with the Canadian fishery. Changes in both fisheries have occurred and it is more economical and easier on industry and staff to have the opening after the holiday period.

The directed fishery quotas are split between a winter and fall season with 2/3 allocated to winter and 1/3 allocated to fall. Directed quotas have been greatly reduced in recent years due to changes in stock, changes in other commercial fisheries, and inclusion of sport fish catch data in catch accounting. When there is sufficient quota for an opening there is usually not enough of a quota to effectively manage a split season. Often this means some quota is left at the end of the season because we have over run the winter quota but don't have enough remaining for a manageable fall harvest.

The directed fishery season for DSR is set outside the halibut IFQ season because of bycatch issues. When it was first adopted the halibut IFQ had a set season. Recently the dates for the fishery have changed based on proposals to the IPHC. The suggested wording would prevent overlap of the directed and IFQ fishing period and be clear that this is intentional.

DEPARTMENT COMMENTS: The department SUPPORTS this proposal. It should be noted that the directed fishery for DSR in CSEO and SSEO was not opened in 2005 and did not open in any area of the SEO district in 2006. Season language should not be taken to mean that a directed fishery will occur in any given year.

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 229. 5 AAC 28.150. Closed waters in the Eastern Gulf of Alaska area. Amend this regulation as follows:

(d) The following waters are closed to the **directed** taking of demersal shelf rockfish:

…

(2) in the Ketchikan vicinity: all waters of Behm Canal, Clarence Strait, Tongass Narrows, Nichols Passage, George Inlet, Carroll Inlet, Thorne Arm, Revillagigedo Channel, and all contiguous waters enclosed by the latitude of Bushy Point Light, a line from Point Alava to the southernmost tip of Ham Island, a line from Cedar Point to Dall Head, and a line from Dall Head to a point in midstream Clarence Strait at the latitude of Dali Head to **Caamano** [CAMANO] Point;

PROPOSED BY: ALASKA DEPARTMENT OF FISH AND GAME

WHAT WOULD THE PROPOSAL DO? Correct an omission in the regulation.

WHAT ARE THE CURRENT REGULATIONS? (2) in the Ketchikan vicinity: all waters of Behm Canal, Clarence Strait, Tongass Narrows, Nichols Passage, George Inlet, Carroll Inlet, Thorne Arm, Revillagigedo Channel, and all contiguous waters enclosed by the latitude of Bushy Point Light, a line from Point Alava to the southernmost tip of Ham Island, a line from Cedar Point to Dall Head, and a line from Dall Head to a point in midstream Clarence Strait at the latitude of Dali Head to Camano Point;

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? If this proposal were adopted, it would clarify the regulation, which is intended to prohibit directed fishing for DSR but allow for a bycatch.

BACKGROUND: The original regulation included the language to allow bycatch but prohibit directed fishing. In the most recent regulatory change cycle the word "directed" was inadvertently omitted. There is a full retention policy in place for DSR and therefore harvesters must retain DSR caught.

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.

Flatfish Trawl

PROPOSAL 240. PAGE 177-178. 5 AAC 28.172 Flatfish possession and landing requirements for Eastern Gulf of Alaska Area. Amend these regulations as follows:

The season will open on a set date. All deliveries will be accompanied with logbook information. All boats in this fishery will register with the department and may have to carry an observer if the department sees fit. All fishing will be done with beam trawl.

PROPOSED BY: Wrangell Advisory Committee

WHAT WOULD THE PROPOSAL DO? This proposal would rescind the weekly trip limit for flatfish (flounder and sole) in the Southeast Region.

WHAT ARE THE CURRENT REGULATIONS?

5 AAC 28.172. Flatfish (flounder and sole) possession and landing requirements for Eastern Gulf of Alaska Area In the Northern and Southern Southeast Inside Subdistricts, a trawl vessel may not land or have on board more than 20,000 pounds (round weight) of flatfish (flounder and sole) in any seven-day period.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? This proposal, if adopted, would rescind the 20,000 weekly trip limit for flatfish in the Southeast Region.

BACKGROUND: The regulations currently limit the trawl fishery for flatfish to the use of beam trawl gear (no otter trawl) and limit production to 20,000 pounds per week. The Southeast Alaska trawl fishery for flatfish is limited to 4 areas with annual allocations ranging from 20,000 pounds to 100,000 pounds. In 1993 the BOF implemented a 20,000 lbs. weekly trip limit that is intended to prevent over harvest of these small quotas. In 1997, the board rejected a proposal to increase the weekly trip limit to 35,000 lbs. There have been no directed landings since 1998 and no more than 2 permits since 1991.

DEPARTMENT COMMENTS: The department OPPOSES this proposal. Although the limitation of the fishery to beam trawl gear will prevent a large otter trawl vessel from harvesting the resource quickly, the quotas are still low and a larger trip limit would be difficult to manage for. Also, the department has proposed rescinding all of the regulations related to the flatfish trawl fishery in Southeast and have fishermen participate in this fishery through the terms of a miscellaneous groundfish permit (see proposal 242).

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 240-1.

Area	**Guideline Harvest Range** (round pounds)	**Quota (round pounds)**	**Season**
Lower Duncan Canal	100,000–350,000	100,000	10/01–11/15 02/15–04/15
Anita Bay	20,000–100,000	20,000	10/01/04/15
Port Camden	100,000–350,000	100,000	10/01–11/15
Stikine Flats	0–150,000	0	Closed

PROPOSAL 241. 5 AAC 28.106. Eastern Gulf of Alaska Area registration. Amend the regulation as follows:

The Southeast District will be a super-exclusive registration area. Both the permit holder and the vessel must register with the department. If you register in Southeast, you cannot fish another groundfish trawl fishery during that same year.

PROPOSED BY: Southeast Shrimpers Association

WHAT WOULD THE PROPOSAL DO? This proposal would make Southeast District a superexclusive registration area for flatfish trawl fishing.

WHAT ARE THE CURRENT REGULATIONS?

There are no current regulations under registration requirements however fishermen must fish under the terms of a commissioner's permit as stated below:

5 AAC 28.130. Lawful gear for Eastern Gulf of Alaska Area

(c) In the Northern and Southern Southeast Inside Subdistricts, flatfish (flounder and sole) may be taken in a directed trawl fishery only by beam trawl gear, and only under the

authority of a permit issued by the commissioner under (*l*) of this section. In the permit the commissioner may specify open areas, fishing periods, gear and operating specifications, observer requirements, and completion of logbooks, available from the department, by the vessel operator.

(*l*) In the Eastern Gulf of Alaska Area, groundfish may be taken by trawl gear only under the authority of a permit issued by the commissioner, if the commissioner determines that issuing the permit is not inconsistent with 5 AAC 39.210.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? This proposal, if adopted, would make the southeast region a super-exclusive registration area for flatfish trawling for both vessels and permit holders. If registered to fish in SE the vessel/permit holder may not fish in any other areas of the state for flatfish.

BACKGROUND: This proposal is a companion proposal to #240 that requests rescission of the weekly trip limit regulations. The proposals were submitted by the Wrangell Advisory Committee who would like to increase production of flatfish but limit the fishery to local vessels.

DEPARTMENT COMMENTS: The department is NEUTRAL on this allocative 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 242. PAGE 179-180. 5 AAC 28.112. Flatfish (flounder and sole) fishing season for the Eastern Gulf of Alaska Area; 5 AAC 28.130 Lawful gear for the Eastern Gulf of Alaska Area; 5 AAC 28.160 Harvest guidelines and ranges for Eastern Gulf of Alaska Area; and 5 AAC 28.172 Flatfish (flounder and sole) possession and landing requirements for Eastern Gulf of Alaska Area. Amend the regulation as follows:

Delete 5AAC 28.112, 5 AAC 28.130(c), 5 AAC 28.172, 5 AAC 28.160(d)

PROPOSED BY: ALASKA DEPARTMENT OF FISH AND GAME

WHAT WOULD THE PROPOSAL DO? This proposal would remove all regulations pertaining to a directed fishery for flatfish in the Southeast region.

WHAT ARE THE CURRENT REGULATIONS?

5 AAC 28.112. Flatfish (flounder and sole) fishing seasons for Eastern Gulf of Alaska Area

In the waters of Alaska in the Eastern Gulf of Alaska Area, flatfish (flounder and sole) may be taken by trawl only as follows:

(1) in waters of Sumner Strait north and east of a line from Mitchell Point to Point St. John, west of a line from the tip of Low Point to the tip of Point Alexander, south of a line from Point Alexander to the southernmost tip of Woewodski Island, and south of the latitude of the northernmost tip of Butterworth Island in Duncan Canal, from October 1 through November 15 and from February 15 through April 15;

(2) in waters of Zimovia Strait and Anita Bay south of the latitude of Nemo Point and north of the latitude of Village Island, from October 1 through April 15;
(3) in waters of Sumner Strait, Stikine Strait, and Eastern Passage north and east of a line from Point Howe to Neal Point to Woronkofski Point to Point Highfield, north and west of a line from Babbler Point to Hour Point, and south of the latitude of Blaquiere Point,

from October 1 through April 15;

(4) in waters of Keku Strait and Port Camden south and east of a line from Point Macartney to Cornwallis Point and west of a line from Point Camden to Salt Point, from October 1 through November 15 and from February 15 through April 15.

5 AAC 28.130. Lawful gear for Eastern Gulf of Alaska Area

(c) In the Northern and Southern Southeast Inside Subdistricts, flatfish (flounder and sole) may be taken in a directed trawl fishery only by beam trawl gear, and only under the authority of a permit issued by the commissioner under (*l*) of this section. In the permit the commissioner may specify open areas, fishing periods, gear and operating

specifications, observer requirements, and completion of logbooks, available from the department, by the vessel operator.

(*l*) In the Eastern Gulf of Alaska Area, groundfish may be taken by trawl gear only under the authority of a permit issued by the commissioner, if the commissioner determines that issuing the permit is not inconsistent with 5 AAC 39.210.

5 AAC 28.172. Flatfish (flounder and sole) possession and landing requirements for Eastern Gulf of Alaska Area. In the Northern and Southern Southeast Inside Subdistricts, a trawl vessel may not land or have on board more than 20,000 pounds (round weight) of flatfish (flounder and sole) in any seven-day period.

5 AAC 28.160. Harvest guidelines and ranges for Eastern Gulf of Alaska Area

(d) The guideline harvest ranges or limits for the taking of flatfish (flounder and sole) in the Northern and Southern Southeast Inside Subdistricts are as follows:

(1) in waters of Sumner Strait north and east of a line from Mitchell Point to Point St. John, west of a line from the tip of Low Point to the tip of Point Alexander, south of a line from Point Alexander to the southern tip of Woewodski Island, and south of the latitude of the northernmost tip of Butterworth Island in Duncan Canal: 100,000 - 350,000 pounds round weight;

(2) in waters of Zimovia Strait and Anita Bay south of the latitude of Nemo Point and north of the latitude of Village Island: 20,000 to 100,000 pounds round weight;
(3) in waters of Sumner Strait, Stikine Strait, and Eastern Passage north and east of a line from Point Howe to Neal Point to Woronkofski Point to Point Highfield, north and west of a line from Babbler Point to Hour Point, and south of the latitude of Blaquiere Point: zero - 150,000 pounds round weight;

(4) in waters of Keku Strait and Port Camden south and east of a line from Point Macartney to Cornwallis Point and west of a line from Point Camden to Salt Point: 100,000 - 350,000 pounds round weight;

(5) in the remaining waters of the Northern Southeast Inside and Southern Southeast Inside Subdistricts: not more than 30,000 pounds round weight.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? This proposal, if adopted, would make it necessary for anyone directed fishing for flatfish to first apply for and receive a permit for miscellaneous groundfish in the Eastern Gulf of Alaska area (5 AAC 28.179).

BACKGROUND: The directed trawl fishery has not been prosecuted since 1998 and there have been no significant landings in the past ten years (Table 242-1). There are no fishery independent surveys for flatfish in the Southeast District. Consequently, the

department knows little about the current condition of the flatfish resource in Southeast, or the impacts this fishery could have on bycatch species like crab and halibut. The gear type has changed over time from primarily otter trawl to primarily beam trawl and although this gear is less destructive than otter trawl little is know about bycatch. The issuance of a Miscellaneous Groundfish Permit allows ALASKA DEPARTMENT OF FISH AND GAME the ability to set restrictions on methods and amount of harvest and allows collection of data and may require on board observers or other special requirements. Given groundfish rationalization in the Gulf of Alaska, ALASKA DEPARTMENT OF FISH AND GAME expects more pressure on open access state fisheries in the Eastern Gulf and would prefer a controlled exploration of this resource given the lack of current information regarding stocks and bycatch.

DEPARTMENT COMMENTS: This department 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 242-1. Southeast flatfish catch, value, and permits, directed and total, by year.

Year Oct –Sept	Directed Trawl Rd Pounds	Directed Value	Directed Permits	Total Harvest Rd Pounds	Total Value	Total Permits
1987-1988	861,349	$215,337	7	863,679	$215,920	15
1988-1989	532,918	$138,559	4	533,333	$138,667	11
1989-1990	278,671	$66,881	2	283,006	$67,921	6
1990-1991	340,633	$78,346	7	341,061	$78,444	11
1991-1992	58,854	$8,240	5	59,118	$8,277	6
1992-1993	Confidential	Confidential	2	23,259	$4,652	8
1993-1994	Confidential	Confidential	1	11,375	$2,389	3
1994-1995	Confidential	Confidential	2	22,016	$4,403	14
1995-1996	0	0	0	1,185	$273	10
1996-1997	0	0	0	5,614	$1,067	14
1997-1998	Confidential	Confidential	1	14,631	$2,634	17
1998-1999	Confidential	Confidential	1	12,968	$2,464	12
1998-1999	Confidential	Confidential	1	12,968	$2,464	12
1999-2000	0	0	0	4,418	$499	11
2000-2001	0	0	0	1,392	$0	13
2001-2002	0	0	0	2,371	$0	7
2002-2003	0	0	0	775	$0	4
2003-2004	0	0	0	802	$0	4

Miscellaneous Groundfish

PROPOSAL 224. PAGE 166. 5 AAC 28.133. GROUNDFISH AND HALIBUT TAKEN WITH SALMON TROLL FISHING GEAR IN THE EASTERN GULF OF ALASKA AREA; AND 5 AAC 29.120. GEAR SPECIFICATINS AND OPERATIONS.

PROPOSED BY: Alaska Department of Fish and Game

WHAT WOULD THE PROPOSAL DO? This proposal would repeal two regulations that deal with switching between the operation of salmon troll and mechanical jig/dinglebar gear by an individual.

WHAT ARE THE CURRENT REGULATIONS?

5 AAC 28.133. Groundfish and halibut taken with salmon troll fishing gear in the Eastern Gulf of Alaska area.

(b) A person may not

(1) possess salmon aboard a vessel that is equipped to take, or that during the most recent open fishing period has taken, groundfish or halibut with a mechanical jigging machine or dinglebar troll gear; or
(2) purchase or sell salmon from any vessel that has taken groundfish or halibut with a mechanical jigging machinge or dingleber troll gear during the most recent open fishing period.

5 AAC 29. 120. Gear specifications and operations.

(h) A salmon troll vessel or a person on board a salmon troll vessel may not participate in the taking of salmon during an open salmon troll fishing period if

(1) commercial hand troll, power troll, or mechanical jig fishing gear on the salmon troll vessel was used to take fish during the 72 hour period immediately before the open salmon troll fishing period; or
(2) that will take fish during the 24 hour period immediately after, an open salmon trolling fishing period.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL IS ADOPTED? Participation in one fishery would not prevent participation on the other fishery, as required by 5 AAC 28.133. There would no longer be a waiting period required between trolling for salmon

and using mechanical jig or dinglebar gear for groundfish and halibut, as required in 5 AAC 29.120.

BACKGROUND: These regulations were originally put in place to prevent people from fishing prior to open seasons for salmon, groundfish or halibut. In the past, closures between fishing seasons were longer than they are today, especially in the troll fishery. The potential for violations may have been greater at one time, though it is unknown if this problem existed or was anticipated.

During the Spring salmon troll fishery, there are areas throughout the region that are open to trolling on a continuous basis. These regulations, as currently written, would prohibit an individual who fished for groundfish or halibut with mechanical jigging machine at anytime during the Spring Fishery from fishing for salmon during the Spring fisheries. Mechanical jig gear is not legal gear for salmon.

DEPARTMENT COMMENTS: The department submitted and SUPPORTS this proposal.

Due to longer fishing seasons and shorter breaks between the troll and groundfish/halibut fisheries, these regulations are no longer practical or effective. These regulations were put in place for salmon protection and to ensure a fair start but are no longer necessary now that trolling is open almost year-round. These regulations are difficult to interpret and enforce.

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 225. 5 AAC 28.190. Harvest of bait by commercial permit holders in Eastern Gulf of Alaska area. Amend this regulation as follows:

The holder of a valid CFEC interim use or limited entry permit may take groundfish in the waters of Alaska in the Eastern Gulf of Alaska Area for use as bait in the commercial fishery for which the permit is held as follows:

(1) Except for sablefish, lingcod, short raker, rougheye, and yellow eye rockfish, or thornyhead, groundfish may be taken at any time: sablefish, lingcod, shortraker, rougheye, and yellow eye rockfish and thornyhead may not be taken for bait or used for bait.

(2) unless use of a gear is restricted in 5 AAC 27 - 5 AAC 39, groundfish may be taken by any gear specified in 5 AAC 39.105 except trawls;

(3) **Repeal.** [NO MORE THAN 10 PERCENT, BY WEIGHT, OF ALL OTHER SPECIES OF FISH ON BOARD THE VESSEL MAY BE DEMERSAL SHELF ROCKFISH, AND NO MORE THAN 10 PERCENT, BY WEIGHT, OF ALL OTHER SPECIES OF FISH ON BOARD MAY BE LINGCOD;]

PROPOSED BY: ALASKA DEPARTMENT OF FISH AND GAME.

WHAT WOULD THE PROPOSAL DO? The proposal, if adopted, would prevent the use of lingcod, yelloweye rockfish, shortraker rockfish, rougheye rockfish, and shortspine and longline thornyheads from being used as bait.

WHAT ARE THE CURRENT REGULATIONS? Sablefish is prohibited for use as bait and demersal shelf rockfish and lingcod are limited to 10 percent by weight for use as bit.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? If this proposal were adopted, it would be illegal to use high-value groundfish species for bait in commercial fisheries.

BACKGROUND: There is a full retention policy in place for DSR in the Southeast District and for other rockfish species in internal waters, which is intended to allow documentation of commercial catch mortality. The department has a reporting requirement for fishermen to report groundfish used as bait but most fishermen have not adhered to this regulation. Anecdotal information indicates that groundfish species are often used for gurdy bait (i.e., bycatch from one set is used to bait additional sets). Lingcod and thornyhead may be released alive so there is no reason to retain them if not for sale and yelloweye, shortraker, and rougheye are all high value and vulnerable species where full reporting of mortality is necessary for appropriate management.

DEPARTMENT COMMENTS: The department 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. It is still legal to use Pacific cod and other groundfish species for bait so an operator does not have to buy bait.

Groundfish Sport Methods and Means

PROPOSAL 223, PAGE 166, 5 AAC 47.024. Harvest record required; annual limit.
Amend this regulation to include the following:

Guided sport anglers must record on a punch card all groundfish harvest immediately upon retention.

PROPOSED BY: Gary and Martha Egerton.

WHAT WOULD THIS PROPOSAL DO? This proposal would require all guided sport anglers to record all harvest of groundfish, by species, immediately upon retention. Sport fishing guides would be required to turn in the punch cards on a weekly basis.

WHAT ARE THE CURRENT REGULATIONS? Bag and possession limits for groundfish vary by species and location. All charter operators are required to record their harvest and catch of pelagic rockfish, non-pelagic rockfish, and lingcod at the completion of a trip on a daily basis in a logbook provided by the state. Halibut catch and harvest information was not obtained in logbooks in recent years, but the state will again require this information in 2006. In addition, specific catch and harvest information on yelloweye rockfish, as well as other pelagic and non-pelagic rockfish will be required in logbooks in 2006. In 2006, weekly reporting of logbook information will be required.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL IS ADOPTED? Requiring a groundfish punch card for guided anglers would provide an additional method of tracking, and in some cases, more detailed species composition, of groundfish harvest. This proposal would have a budgetary impact on the department because of the cost of producing punch cards, collection the cards on a weekly basis, and entering and analyzing the data.

BACKGROUND: Currently, the department collects guided angler catch and harvest information on groundfish via dockside creel survey interviews, mandatory charter boat logbooks, and random postal surveys of anglers through the annual Statewide Harvest Survey program (SWHS**).** In 2006 the department will be modifying the creel and logbook programs to obtain more detailed information on rockfish and halibut harvest, catch, species composition of demersal shelf rockfish (DSR), and size of DSR. In addition, weekly reporting of logbook catch and harvest will be required, and the department will be implementing procedures to verify the accuracy of logbook data.

DEPARTMENT COMMENTS: The department is OPPOSED to this proposal. The punch card program would be prohibitively expensive, difficult to implement, and in most cases, would duplicate current data collection programs.

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

PROPOSAL 243, PAGE # 181, 5 ACC 47.036. Prohibitions.

PROPOSED BY: Walter Pasternak

WHAT WOULD THIS PROPOSAL DO? This proposal would prohibit anyone associated with a sport fishing lodge, charter operator or other enterprise that furnishes food, lodging, or guide services form furnishing sport or subsistence caught halibut to, or possessing sport or subsistence caught halibut for, a client or guest of the enterprise unless the halibut was harvested directly by the client.

WHAT ARE THE CURRENT REGULATIONS? Currently, lodges and other sport fishing enterprises may provide clients with meals, free of charge, of halibut that were legally taken in sport or subsistence fisheries. Halibut that were legally harvested in sport or subsistence fisheries may also be given to other parties and under federal regulations, customary trade is allowed. However, it is not legal to sell sport or subsistence caught fish, and therefore sport fishing enterprises may not advertise that they provide sport or subsistence caught fish to their clients as a part of the service provided to the client, nor can sport or subsistence caught fish, other than fish caught by the client, be served if meals are included in the price of guided services or lodging. It should be noted that this proposal would only change the regulatory language in the sport fish regulatory chapter (5 AAC 47.036). If a prohibition on the use of subsistence caught fish were also desired (as the language in the proposal would indicate), changes to the subsistence regulatory chapter (5 AAC 01.7XX) would also be necessary.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL IS ADOPTED? The department has no information on the frequency that subsistence or sport caught halibut are provided to clients and cannot assess the effect of this proposal.

BACKGROUND: Currently, the department collects guided angler catch and harvest information on groundfish via in-season dock side creel survey interviews, mandatory charter boat logbooks, and random postal surveys of guided anglers through the annual Statewide Harvest Survey program (SWHS). The North Pacific Fisheries Management Council (NPFMC) manages halibut fisheries and while the department and board may enforce halibut regulations that mirror federal regulations, under current federal interpretation, they have no authority to implement more restrictive regulations dealing specifically with halibut. We understand that NOAA General Counsel is revisiting this issue and are hoping that a new interpretation will be adopted in the near future.

DEPARTMENT COMMENTS: The board and department do not currently have direct management authority over halibut. The author of this proposal may want to submit this proposal to the NPFMC for consideration. Another option might be adoption of more generic restrictions applying to all sport and subsistence caught fish.

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

Committee "D" SHRIMP (22 proposals)

Lawful Gear

No 260-Require buoys on each end of long lined gear with more than five pots

No 262-Clarify shrimp pot size limitations

Commercial Closed Waters

No 256-Close commercial shrimp fishery in District 15, Taiya Inlet

Seasons

No 251-Change Section 3-A opening date to May

No 252-Change Section 3-A opening date to May

No 253-Change Section 3-A opening date to May

No 254-Change Section 3-A opening date to May

No 255-Change Section 3-A opening date to May

Management Plan and Guideline Harvest Ranges (GHR)

No 257-Modify pot shrimp MP by requiring the department to manage for target harvest levels

No 258-Increase upper bound of all pot shrimp GHRs

No 259-Modify pot shrimp MP by allowing the department to keep certain stat areas open

No 261-Modify pot shrimp GHRs to be consistent with current management

Reporting Requirements

No 266-Modify shrimp catcher-processor reporting requirements

Beam Trawl

No 263-Clarify retention of non-targeted species in SEAK beam trawl fishery

No 264-Clarify trawl gear operation regulation

No 265-Clarify operation of multiple gear types in SEAK shrimp fisheries

Personal Use

No 250-Clarify use of commercial vessel in personal use shrimp fishery

Sport

No 267-Prohibit shrimp fishing from registered charter vessels in Sitka Sound f

No 268-Close sport fishing for shrimp in areas closed to commercial fishing

No 269-Prohibit shellfish fishing from registered charter vessels in Sitka Sound

No 270-Prohibit clients or guests of sport fishing businesses from setting or deploying gear

No 271-Prohibit possession of shellfish fishing gear and shellfish on board charter

Lawful Gear

PROPOSAL 260 - 5 AAC 31.126. SHRIMP POT MARKING REQUIREMENTS FOR REGISTRATION AREA A. Amend the regulation as follows:

Require a buoy on each end of a longlined string of more than 5 shrimp pots.

PROPOSED BY: Larry Painter

WHAT WILL THE PROPOSAL DO? This proposal would require fishers to buoy each end of a longlined string of more than 5 shrimp pots.

WHAT ARE THE CURRENT REGULATIONS? Current regulations [5 AAC 31.050(c)] require only one buoy on each set of longlined shrimp pots. Large or small pots are described in regulation [5 AAC 31.124] and the maximum number of pots depends upon pot size with 140 small or 100 large pots allowed [5 AAC 31.124].

WHAT WILL BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? If this proposal were adopted, each end of a string of more than 5 longlined shrimp pots would be clearly marked. Gear loss would be reduced in two ways. First, the possibility of losing gear when the groundline breaks would decrease because there would be buoys at each end of the string of pots. Secondly, because each end of a pot string would be clearly marked, the potential for one shrimper to set his gear over the top of another's, causing entanglement, would be reduced because they would be able to tell the direction the gear was lying. Incidental mortality of fish and invertebrates in ghost fishing gear would be reduced.

However some additional costs and difficulties would be incurred as well. Shrimp pot fishers that longline with short spacing between pots might find it difficult to continue fishing their gear in this manner because the two buoy lines could become entangled because of the closer proximity of the ends of the longline, the depth of the water and the amount of buoy line required. Shrimp pot fishers that don't already put buoys on both ends of longlined shrimp pot sets would have to use twice the number of buoys and twice as much buoy line. The potential for buoy line entanglement between the two buoys and other shrimper's buoys would be increased.

BACKGROUND: The Southeast Alaska Pot Shrimp fishery is a limited entry fishery and there are 309 total available permits. In the 2001-2002 season 169 permits were actively fished totaling approximately 18,000 pots. Pot shrimpers have the choice of either fishing 140 small (diameter of no more than 124 inches) shrimp pots or 100 large (diameter of

124 to 153 inches) shrimp pots. Approximately 60% of the shrimpers in the 2001-2002 season fished large shrimp pots. Most pot shrimpers typically longline pots in strings of 2 to 15 pots. Pot shrimpers fishing spot prawns usually set their gear in 30 to 80 fathoms of water. The majority of shrimpers already use two buoys on each longer string of gear. Pot shrimpers have from 8:00 a.m. to 4:00 p.m. daily to haul and set their gear. While there is no maximum number of pots per string; sets generally do not exceed 15 pots in length.

DEPARTMENT COMMENTS: The department SUPPORTS this proposal. After some consideration, we believe that long-term biological and economic benefits outweigh short-term costs. It could decrease gear loss and incidental mortality of shrimp and other species captured by ghost fishing pots. In addition, lost gear may create 'gear graveyards' wherein additional pot sets become snagged on derelict gear and are lost. While biodegradable twine is useful in reducing ghost fishing of lost gear, it is unlikely that it completely eliminates it. Thus, gear loss results in immediate economic losses to fishers, short and long-term biological losses due to incidental mortality of invertebrates and fish, as well as loss of commercial fishing grounds.

COST ANALYSIS: If adopted, this proposal would increase costs to some Southeast Alaska pot shrimpers because of the requirement to purchase additional buoys and buoy line. However, conversely, it could prevent gear loss as well, saving money.

PROPOSAL 262. 5 AAC 31.124. LAWFUL SHRIMP POT GEAR FOR REGISTRATION AREA A. Amend the regulation as follows:

Delete a part of (e) (2) which implies that a mixture of large and small pots can be operated.

PROPOSED BY: Alaska Department of Fish and Game

WHAT WOULD THE PROPOSAL DO? Proposal 262 would clarify the regulations regarding the use of small or large pots on a commercial shrimp vessel.

WHAT ARE THE CURRENT REGULATIONS? 5 AAC 31.125. LAWFUL SHRIMP POT GEAR FOR REGISTRATION AREA A.

(e)(2) The number of shrimp pots that may be operated from a registered shrimp fishing vessel is 140 small pots or 100 large pots; if any pot operated from a vessel is larger than a small pot, the total number of pots that may be operated from that vessel is 100 pots. For the purposes of this section,

A) a “small pot” has a bottom perimeter of no more than 124 inches;
B) a “large pot” has a bottom perimeter of [no] more than 124, but not more than 153 inches;

WHAT WOULD BE THE EFFECT IF THE PROPOSAL IS ADOPTED? If implemented, proposal 262 would clarify the regulations regarding small and large pot operation on commercial shrimp vessels.

BACKGROUND: The intent of the regulation was to allow pot shrimp fishermen to fish only one sized pot at a time so that catch per unit effort (CPUE) information was more consistent for that vessel.

DEPARTMENT COMMENTS: The department submitted and SUPPORTS this proposal.

This change clarifies the regulations making it clear that only one size of pot is allowed on a vessel.

COST STATEMENT: If this proposal were adopted, the department does not believe it would result in any additional direct cost for a private person to participate in this fishery.

Commercial Closed Waters

PROPOSAL 256 - 5 AAC 31.136. CLOSED WATERS IN REGISTRATION AREA A. Amend the regulation as follows:

Close waters of Taiya Inlet within the Skagway city boundaries to commercial shrimp fishing.

PROPOSED BY: City of Skagway

WHAT WILL THE PROPOSAL DO? This proposal, if adopted, would close commercial shrimp fishing in that portion of Taiya Inlet north of the southernmost limit of the Skagway city boundary. This would include waters of Taiya Inlet north of the latitude of approximately 59° 19.5’ N latitude (Figure 256-1).

WHAT ARE THE CURRENT REGULATIONS? Current regulations specify 5 different areas closed to commercial shrimp fishing in Southeast Alaska. Lituya Bay and Tenakee Inlet are closed to shrimp trawling. Additionally: i) the waters of District 13-B in the Sitka Sound Special Use Area, ii) a portion of Twelve-mile Arm on eastern Prince of Wales Island, and iii) Clover Passage and Naha Bay north of Ketchikan are closed to any form of shrimp fishing. There are currently no waters closed to commercial shrimp fishing in District 15, which includes the waters of Lynn Canal, and Chilkat, Lutak and Taiya Inlets. Although there is no GHL or season established for beam trawl shrimp fishing in District 15, a directed sidestripe beam trawl fishery could be opened in this area under the provisions of 5 AAC 31.112.

WHAT WILL BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? If this proposal were adopted, an area closed to the commercial taking of shrimp would be established in Taiya Inlet. Coonstripe *Pandalus hypsinotus* and spot *P. platyceros* shrimp populations in Taiya Inlet would be fully re-allocated from commercial to personal use, subsistence, and sport users.

BACKGROUND: On average, three commercial fishers harvest 2,900 pounds annually of primarily coonstripe shrimp from the waters of Subdistrict 115-34, which includes Taiya and Chilkoot Inlets (Table 256-1; Figure 256-1). There has never been a directed sidestripe beam trawl fishery opening in District 15. The Subsistence Division community profile database estimates that in 1987 5,200 pounds of marine invertebrates of all species were harvested for household consumption in Skagway.

DEPARTMENT COMMENTS: The department is NEUTRAL on this proposal as it pertains to allocation of fisheries resources.

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

Table 256-1. Commercial harvest of spot and coonstripe shrimp in Subdistrict 115-34 from 1991/1992 through 2004/2005 seasons.

Season	Coon pounds	Coon permits	Spot pounds	Spot permits
1991/1992	*	*	*	*
1992/1993	0	0	0	0
1993/1994	0	0	0	0
1994/1995	5,491	5	*	*
1995/1996	1,386	4	214	4
1996/1997	*	*	0	0
1997/1998	1,632	3	0	0
1998/1999	5,232	4	0	0
1999/2000	7,767	4	0	0
2000/2001	4,578	5	0	0
2001/2002	9,412	8	0	0
2002/2003	*	*	0	0
2003/2004	2,132	4	0	0
2004/2005	*	*	0	0
Average	2,940	3	27	0

***** Confidential data, less than three permits participating

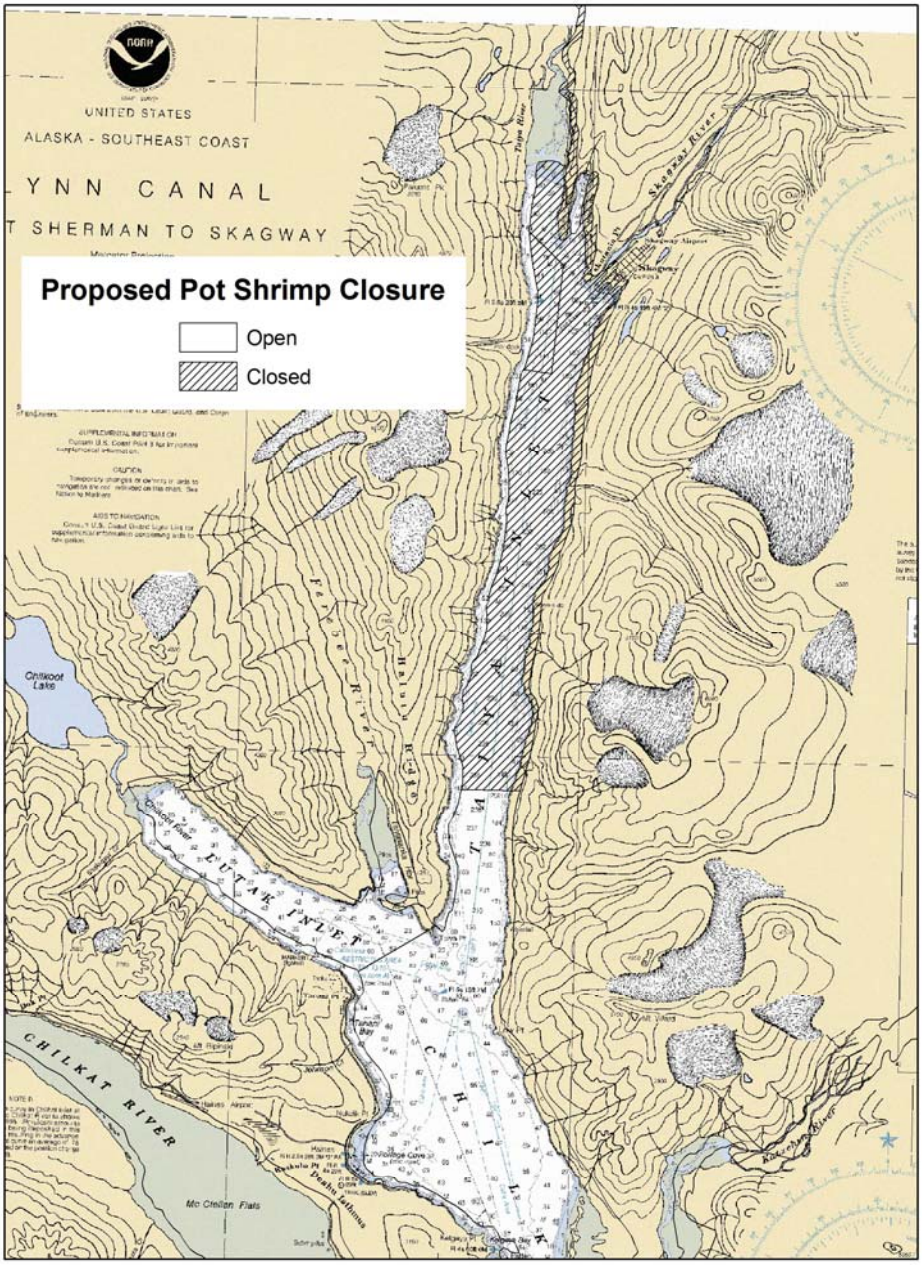

Figure 256-1. Area of Taiya Inlet proposed for closure to commercial shrimp fishing.

Seasons

PROPOSALS 251 through 255 - 5 AAC 31.110. SHRIMP POT FISHING SEASONS AND PERIODS FOR REGISTRATION AREA A. Amend the regulation as follows:

Change the season start for the shrimp pot fishery in Section 3-A to May 1.

PROPOSED BY: Gregory L. Knapp, Jr. (251); Frank Natkong (252); Gene Mathena (253); Denise Mathena (254); Don Natkong (255).

WHAT WOULD THESE PROPOSALS DO? These proposals all seek to change the beginning of the commercial pot fishery for spot shrimp in Section 3-A of District 3, Southeast Alaska, Registration Area A to May 1.

WHAT ARE THE CURRENT REGULATIONS? Current regulations [5 AAC 31.110] provide for a shrimp pot fishery season beginning on October 1 and ending on February 28 unless closed earlier by emergency order. Regulations [5 AAC 31.145(d)] also specify that the department may open a summer season by emergency order from May 15 through July 31 in districts where the guideline harvest level (GHL) was not reached during the winter season.

WHAT WILL BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? If this proposal were adopted, the beginning of the pot fishery for spot shrimp in Section 3-A of District 3 would be changed from October 1 to May 1.

BACKGROUND: A year round season for the pot fishery for shrimp in Southeast Alaska was established in 1970. The season was adjusted in 1982. It was then changed in 1984 for Districts 1 through 8 to a split season: October 1 through February 28 and May 1 through September 30; this provided for an egg hatch closure from March 1 through April 30. The current season of October 1 through February 28 went into effect for major districts beginning in 1986, and was adopted for all districts in 1997. A provision for a May 15 re-opening of areas where the GHL had not been achieved became effective in 2001.

Considerations for development of the current season have included both biology and allocation. From a biological standpoint, summer is the molt, growth and transition period for pandalid shrimp. Thus, the likelihood of fishermen encountering soft, recently molted shrimp is higher during this period. From the allocation standpoint, there were public comments during the 1997 Southeast Dungeness, Shrimp, Miscellaneous Shellfish,

Groundfish and Herring BOF meeting stating that if the season start was not made synchronous 'a small fleet of floating processors would continue to catch all the quota'. A simultaneous season start was thought to benefit catcher and catcher-processors over floating processors. Also, the shrimp pot fishery had developed as a supplemental source of income for vessels that traditionally fished for salmon or halibut during the summer months and a fall season allowed for participation in both salmon and shrimp fisheries.

DEPARTMENT COMMENTS: The department OPPOSES this proposal as it would shift the harvest period of spot shrimp in Section 3-A from October, when pandalid shrimp are mostly hard shelled, to May when they are beginning the molting, growth, recruitment, and mating phase of their life history. This would likely increase the handling mortality of shrimp that are too small to retain as well as increase the dead loss of non-saleable shrimp due to soft shell condition. The department believes that winter harvest of egg-bearing shrimp is preferable to summer harvest of eggless shrimp, as summer harvest would disrupt shrimp during the molting, growth, transition, and mating phase of its life history that occurs from spring to late summer.

Since spot shrimp are a protandrous hermaphrodite (beginning as males and later transitioning to females) removal of any shrimp reduces the potential egg production at some time in the life history of the population regardless of whether it was a male, eggless female, or egged female at the time of removal. Removing a female with eggs removes slightly more reproductive potential than removing a male or eggless female as their chance of dying before hatching eggs would be lower than for a male or an eggless female because the time to egg hatch is shorter. However, it must also be recognized that in slightly cheating natural mortality, later gains in growth are forgone. A shrimp harvested earlier in the season will weigh less than the same shrimp later in the season. Thus, harvesting earlier, more shrimp will be needed to achieve the same GHL. So, in effect the two processes to some degree balance each other.

For these reasons, the department does not believe that a change in season timing would address the decline in abundance of spot shrimp observed in Section 3-A. Real reductions in the harvest rate are necessary. A 20 percent reduction was implemented beginning with the 2004/2005 season and continued for the 2005/2006 season. An additional GHL reduction may be warranted if declines in the L_{50} and shrimp size composition continue.

COST ANALYSIS: If this proposal were adopted, the department does not believe it would result in additional direct cost for the private person to participate.

Management Plan and Guideline Harvest Ranges (GHR)

PROPOSAL 257 - 5 AAC 31.145. SOUTHEASTERN ALASKA POT SHRIMP FISHERY MANAGEMENT PLAN. Amend the regulation as follows:

h) The department shall set a target catch rate for each district in Southeast prior to October 1 of each year. This target catch rate will be within the GHR for each district. The target catch rate will be based on biological data such as size trends in the surveyed and harvested shrimp, catch rates, past fishery performance and other information the department has available. As more data becomes available from the conduct of the fishery, they may adjust the target catch rate.

PROPOSED BY: Southeast Pot Shrimp Task Force

WHAT WILL THE PROPOSAL DO? This proposal, if adopted, would add a section to the Registration Area A Pot Shrimp Management Plan that would describe preseason GHL determination and allow for inseason adjustments to the GHL based upon commercial catch data.

WHAT ARE THE CURRENT REGULATIONS? The Southeastern Alaska Area Pot Shrimp Management Plan [5 AAC 31.145] lays out the target shrimp species in each district (b(1)), establishes principles for sustainable management for the pot shrimp fishery (b(2)), defines Districts 4, 5, 8, 11, 14, 15, and 16 as developing (c), provides for summer re-opening of districts where the GHL was not taken during the summer (d), establishes the time period on which spot shrimp GHLs are based (e), establishes the time period on which coonstripe shrimp allowable harvests are based (g). It does not currently describe the process of setting annual GHLs for each district, nor is there any reference to inseason adjustment of preseason GHLs.

WHAT WILL BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? If this proposal were adopted, there would be a reference in the pot shrimp management plan [5 AAC 31.145] to the department's preseason determination of GHLs and inseason adjustment of GHLs. The department would not be given any new authority to manage the fishery.

BACKGROUND: The pot shrimp management plan was developed at the 2000 Southeast Dungeness, Shrimp, Miscellaneous Shellfish, Groundfish and Herring meeting of the BOF. It describes the target species in each district and establishes management policies for maintaining a number of age classes to reduce the dependence on annual recruitment, avoiding fishing during the spring egg hatch, summer growth and recruitment periods, reducing mortality of small shrimp, and maintaining adequate brood

stocks of shrimp. It also calls for the continued development of shrimp in districts that historically have low harvests and provides for the re-opening of a summer fishery for GHLs not taken during the winter. Finally, it establishes the time period of harvest history upon which the coonstripe shrimp allowable harvest is based.

The department currently determines GHLs preseason by reviewing stock assessment survey, sampling and fishery performance data. Through review of this information it is determined if adjustments to the GHL are warranted. When necessary, adjustments are made in increments of 20 to 40 percent and are in effect for at least three-seasons. Data collected include trends in shrimp size composition, and trends in shrimp catch rates. Size composition data are collected during sampling dockside, on the grounds, onboard observing, and during fishery-independent stock assessment surveys. Catch rate data are available from fish tickets, and fishery-independent stock assessment surveys. A new voluntary logbook program will also provide information on the size composition of the commercial harvest.

DEPARTMENT COMMENTS: The department OPPOSES this proposal as it would not afford the department any new authority and would falsely imply an intention of inseason adjustment of harvest targets.

Staff is currently fully occupied targeting preseason GHLs. The department notes that the British Columbia (B.C.) commercial shrimp industry currently provides the government with $1.5 million annually for management and assessment of the spot shrimp fishery. Approximately $300,000 of this goes to provide 12 industry-funded and industry-hired samplers to effect inseason management. At a recent meeting of spot shrimp research and managers Canadian department of Fisheries and Oceans (DFO) staff reported that the B.C. industry has expressed interest in moving towards less expensive management targeting fixed preseason GHLs as is the case in Southeast Alaska. The theoretical advantage of inseason adjustment of GHLs would be to fully utilize pulses of strong recruitment. However, in practice annual harvest levels are relatively stable in B.C., suggesting that this advantage is not being realized. It is probable that the primary advantage of inseason management, as practiced in Canada, is to spatially adjust harvest opportunities to avoid serial depletion of shrimp. While this is a very real concern in the Alaska fishery, staff resources to conduct this form of management are simply unavailable. Furthermore, the pot shrimp management plan explicitly directs the department to maintain a multi-age stock and avoid excessive reliance on annual recruitment.

COST ANALYSIS: If this proposal were adopted, the department does not believe it would result in additional direct cost for the private person to participate.

PROPOSAL 258 - 5 AAC 31.115. SHRIMP POT GUIDELINE HARVEST RANGES FOR REGISTRATION AREA A. Amend the regulation as follows:

The following are the district guideline harvest ranges for the taking of shrimp by pots in Registration area A:

(1) District 1:	0 to 246,000 [164,000] pounds of spot shrimp
(2) District 2:	0 to 129,000 [86,000] pounds of spot shrimp
(3) Section 3-A:	0 to 396,000 [264,000] pounds of spot shrimp
(4) Sections 3-B and 3-C:	0 to 75,000 [50,000] pounds of spot shrimp
(5) District 4:	0 to 30,000 [20,000] pounds of spot shrimp
(6) District 5:	0 to 30,000 [20,000] pounds of spot shrimp
(7) District 6:	0 to 102,000 [68,000] pounds of spot shrimp
(8) District 7:	0 to 156,000 [104,000] pounds of spot shrimp
(9) District 8:	0 to 30,000 [20,000] pounds of spot shrimp
(10) District 9:	0 to 27,000 [18,000] pounds of spot shrimp
(11) District 10:	0 to 54,000 [36,000] pounds of spot shrimp
(12) District 11:	0 to 20,000 [20,000] pounds of spot and coonstripe shrimp
(13) District 12: Tenakee Inlet:	0 to 30,000 [20,000] pounds of spot shrimp
(14) Remainder of District 12:	0 to 22,500 [15,000] pounds of spot shrimp
(15) Sections 13-A and 13-B:	0 to 22,500 [15,000] pounds of spot shrimp
(16) Section 13-C:	0 to 45,000 [30,000] pounds of spot shrimp
(17) District 14:	0 to 30,000 [20,000] pounds of spot shrimp
(18) District 15:	0 to 30,000 [20,000] pounds of coonstripe shrimp
(19) District 16:	0 to 30,000 [20,000] pounds of coonstripe shrimp

PROPOSED BY: Southeast Alaska Pot Shrimp Task Force

WHAT WILL THE PROPOSAL DO? This proposal would increase the upper end of the GHR for each section, district, or management area by 50 percent, except for District 11,

for the pot shrimp fishery in Southeast Alaska. In total, the upper end of the GHR for Southeast Alaska would go from 1.01 to 1.51 million pounds increasing by 495,000 pounds.

WHAT ARE THE CURRENT REGULATIONS? Current regulations specify District or Section-specific GHRs with lower bounds summing to 0 and upper bounds to 1.01 million pounds for the pot fishery for shrimp in Registration Area A, Southeast Alaska. The GHR upper end for each management area is described in Table 258-1 below.

WHAT WILL BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? If this proposal were adopted, there may be an expectation by the fleet that harvest levels be set at the upper end of GHRs when stocks are perceived to be at high levels, even if thought by the department to be unsustainable. The allowable pot harvest of shrimp in Southeast Alaska would increase by 495,000 pounds. The new upper end of the GHRs for each individual management area are listed in the 'Industry proposed 2006' column in Table 258-1 below.

BACKGROUND: The GHRs for the pot fishery for shrimp in Southeast Alaska [5 AAC 31.115] were put in place at the January 1997 meeting of the BOF. They were established by emergency order beginning with the 1995/1996 season. Following the development of the pot shrimp management plan at the January 2000 BOF meeting in Juneau, the department adjusted the upper limit of the GHRs using a more accurate tail to whole weight conversion factor of 2.0. The original GHRs had been developed using a conversion factor of 1.67 obtained from work in Prince William Sound. This adjustment resulted in increased upper limits of the GHR in districts where historical harvest had been of tails. The new GHRs were implemented beginning with the 2000/2001 season (Table 258-1).

Separate GHRs have been managed for Sections 13-A, and 13-B combined (0 - 15,000 pounds) and 13-C (0 – 25,000 pounds) since the 1998/1999 fishery. Beginning with the 2000/2001 fishery this was increased to 0 – 15,000 pounds for Sections 13-A, and 13-B, and 0 – 30,000 pounds for Section 13-C. District 12 was split into two separate areas, Tenakee Inlet was managed for a GHR of 0 – 20,000 pounds, and the remainder of District 12 was managed for 0 – 15,000 pounds beginning in the 2001/2002 season. Both of these changes were established in regulation at the 2003 meeting of the BOF in Sitka (Table 258-1).

DEPARTMENT COMMENTS: The department OPPOSES this proposal. The upper end of the region wide GHR has steadily increased since GHRs were first established in 1997 (Table 258-1). While management has generally targeted GHLs of the upper end of the GHR, it has recently become necessary to target reduced GHLs in some major districts (Districts 3, and 7). Fishery-independent, stock assessment data are not available for most

districts and many do not have a sampling program that can provide information on trends in size composition of the shrimp harvest. The department does not believe it would be precautionary to continue to raise the upper end of the GHR without information suggesting the presence of strong stocks.

COST ANALYSIS: If this proposal were adopted, the department does not believe it would result in additional direct cost for the private person to participate.

Table 258-1. Historic, current and proposed upper ends of the regulatory GHR for the pot fishery for shrimp in districts, sections and management areas of Southeast Alaska.

District or Section	1997	2001	Current	Department proposed 2006	Industry proposed 2006	Industry proposed increase
1	145,000	164,000	164,000	164,000	246,000	82,000
2	65,000	86,000	86,000	86,000	129,000	43,000
3-A	200,000	264,000	264,000	198,000	396,000	132,000
3-B, 3-C		50,000	50,000	50,000	75,000	25,000
4	20,000	20,000	20,000	20,000	30,000	10,000
5	20,000	20,000	20,000	20,000	30,000	10,000
6	65,000	68,000	68,000	68,000	102,000	34,000
7	100,000	104,000	104,000	78,000	156,000	52,000
8	20,000	20,000	20,000	20,000	30,000	10,000
9	15,000	18,000	18,000	18,000	27,000	9,000
10	30,000	36,000	36,000	48,000	54,000	18,000
11	20,000	20,000	20,000	20,000	20,000	0
12, Tenakee	20,000	20,000	20,000	20,000	30,000	10,000
12,			15,000	15,000	22,500	7,500
13-A and 13-B	40,000	40,000	15,000	15,000	22,500	7,500
			30,000	42,000	45,000	15,000
14	20,000	20,000	20,000	20,000	30,000	10,000
15	20,000	20,000	20,000	20,000	30,000	10,000
16	20,000	20,000	20,000	15,000	30,000	10,000
Total	820,000	990,000	1,010,000	937,000	1,505,000	495,000

PROPOSAL 259 - 5 AAC 31.145. SOUTHEASTERN ALASKA POT SHRIMP FISHERY MANAGEMENT PLAN. Amend the regulation as follows:

h) The department may keep a statistical area open for up to one week within a district when the district closes if 5 percent or less of the district catch came from that statistical area. The department will announce the closure date for the statistical areas left open at the same time as the overall district closure.

PROPOSED BY: Southeast Alaska Pot Shrimp Task Force

WHAT WILL THE PROPOSAL DO? This proposal would allow the department to leave a statistical area open for up to a week after the district closes if 5 percent or less of the district harvest came from that statistical area:

WHAT ARE THE CURRENT REGULATIONS? Current regulations call for a season [5 AAC 31.110] that opens October 1 through February 28 unless closed earlier by emergency order. They also establish GHRs by district, section, or management area [5 AAC 31.115].

WHAT WILL BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? If this proposal were adopted, the department would have the authority to allow continued fishing in statistical areas with minimal harvest, for a period of up to a week after the GHL for the entire management unit was taken. Unspecified additional poundage could be harvested from the management unit. If the department chose to use this authority, the fleet would be able to concentrate effort in the most productive statistical areas knowing that other areas would remain open for additional exploitation after the GHL was achieved.

BACKGROUND: Since 1997, pot shrimp management has been accomplished by inseason targeting of GHLs set preseason, within a regulatory GHR. Entire management units are closed by emergency order when the GHL is achieved. The department and the BOF have responded to consistently highly aggregated effort and strong catches in a portion of a district by splitting several districts and assigning separate GHLs. This has resulted in the original 16 management units established in 1997 expanding to a current total of 19 management units. In addition, closures of partial management units have occurred on several occasions:

- in District 1, statistical areas have been closed early in response to poor commercial catch rates,
- in District 15, a statistical area was closed early, and subsequently closed for an entire season due to poor commercial catch rates, and

- in District 16, a statistical area was closed for a portion of the season due to poor commercial catch rates.

DEPARTMENT COMMENTS: The department OPPOSES this proposal. While progress has been made in developing stock assessment information, considerable uncertainty remains regarding stock status of shrimp in the existing management units. Surveys, dockside sampling, on the grounds sampling, onboard observing and logbook data collection are currently conducted but only the most productive portion of 4 of 19 management units are surveyed. Assessment of the remaining districts is based solely on fishery sampling and harvest statistics. Thus, breaking these units into still smaller areas and opening a weeklong fishery without harvest objectives or stock assessment information would only serve to increase uncertainty regarding stock status. The department anticipates continued management actions for portions of management units when warranted, but currently has no intention to adjust harvest goals inseason. In addition, there is insufficient information concerning the status of stocks to allow for harvest beyond current GHLs and announcing continued fishing in small portions of a management unit might result in disproportionately large effort and catch.

COST ANALYSIS: If this proposal were adopted, the department does not believe it would result in additional direct cost for the private person to participate.

PROPOSAL 261 - 5 AAC 31.115. SHRIMP POT GUIDELINE HARVEST RANGES FOR REGISTRATION AREA A. Amend the regulation as follows:

(a) The following are the district or portion of a district guideline harvest ranges for the taking of shrimp by pots in Registration area A:

…

(3) Section 3-A: 0 to 198,000 [264,000] pounds of spot shrimp;

…

(8) District 7: 0 to 78,000 [104,000] pounds of spot shrimp;

…

(11) District 10: 0 to 48,000 [36,000] pounds of spot shrimp;

…

(16) Section 13-C: 0 to 42,000 [30,000] pounds spot shrimp;

…

(19) District 16: 0 to 15,000 [20,000] pounds coonstripe shrimp;

(b) For purposes of this section, District 12: Tenakee Inlet includes waters west of a line from the easternmost tip of East Point to South Passage Point.

PROPOSED BY: Alaska Department of Fish and Game

WHAT WILL THE PROPOSAL DO? This is a dual proposal. First, if adopted, it would change the upper end of guideline harvest ranges (GHR) of the pot fishery for shrimp in Southeast Alaska, Registration Area A, to be consistent with guideline harvest levels (GHL) currently targeted by management. Secondly, it would describe the current District 12: Tenakee Inlet management area in regulation.

WHAT ARE THE CURRENT REGULATIONS? Current regulations specify GHRs with lower bound summing to 0 and upper bound to 1.01 million pounds for the pot fishery for shrimp in Registration Area A, Southeast Alaska. The GHR upper end for each management area is described above in the "2003 GHR" column of Table 261-1.

WHAT WILL BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? If this proposal were adopted, as written in the proposal booklet, the upper end of the GHR in some districts would increase while in others it would decrease. New upper end of the GHRs for each individual management area are listed in the "Proposal 261 suggested GHR" column of Table 261-1.

The department, however, is now recommending that only the GHR where the GHL has increased over the upper end of the GHR should be changed (see DEPARTMENT COMMENTS SECTION). Those recommended changes are the amounts underlined for each area in the "2005 GHR changes" column of Table 261-1.

The boundaries of the District 12: Tenakee Inlet management area would be described in regulation, eliminating the necessity of describing them in the News Release.

BACKGROUND: The GHRs for the pot fishery for shrimp in Southeast Alaska [5 AAC 31.115] were put in place at the January 1997 meeting of the BOF. They were established by emergency order (EO) beginning with the 1995/1996 season. Following the development of the pot shrimp management plan at the January, 2000 BOF meeting in Juneau, the department adjusted the upper limit of the GHRs using a more accurate tail to whole weight conversion factor of 2.0. The original GHRs had been developed using a conversion factor of 1.67 obtained from work in Prince William Sound. This adjustment resulted in increased upper limits of the GHR in districts where historical harvest had been of tails. Also at the January 2000 BOF meeting the GHR for District 3 was increased and split into separate GHRs for Section 3-A and Sections 3-B and 3-C

combined. At the time GHRs in District 3 were harvested rapidly with a very small portion of harvest from Sections 3-B and 3-C. The new GHRs were implemented beginning with the 2000/2001 season (Table 261-1).

Separate GHRs were managed by EO for Sections 13-A and 13-B combined (0 - 15,000 pounds) and 13-C (0 – 25,000 pounds) beginning in the 1998/1999 fishery. Beginning with the 2000/2001 fishery the GHR was increased to 0 – 30,000 pounds for Section 13-C, but left unchanged in Sections 13-A and 13-B. In District 12, beginning with the 2001/2002 season, Tenakee Inlet was managed for a GHR of 0 – 20,000 pounds, and the remainder of District 12 was managed for 0 – 15,000 pounds. Both of these changes were established in regulation at the 2003 meeting of the BOF in Sitka (Table 261-1).

Prior to the 2004/2005 season the department conducted a comprehensive review of fishery status and data collected for each separately managed shrimp fishery. The review included fishery performance information, survey information, dockside sampling information and on-grounds sampling information. The department evaluation specifically evaluated trends that have persisted for 3 or more years. In cases where positive or negative trends were identified, the department elected to either limit increments or decrements to specific Guideline Harvest Levels (GHLs) for the pending season by 20-40%, or leave GHLs unchanged. In order that stock responses to changes of GHL could be identified the GHLs changed by the department were intended to be left in place for a minimum of three years, unless there were compelling reasons to change them. For the 2004 season GHLs were changed in five fishery areas. A similar process was completed prior to the 2005 season and 4 GHLs were changed. These changes are shown in Table 261-1.

<u>DEPARTMENT COMMENTS:</u> The department submitted and SUPPORTS this proposal, however, upon reconsideration since the proposal was initially submitted, the department would prefer that a modified version be adopted. The department strongly supports changing GHRs where the GHL has been increased above the upper end of the GHR, but the department considers it unnecessary and potentially disruptive to adjust GHRs every time a GHL might be lowered. The department would like the pot shrimp GHRs in regulation to reflect actual productive capability of shrimp populations, based on historical harvest patterns, yet allowing for modification based on a critical review of information available and a precautionary approach to setting GHLs each season. The department suggests that only the GHRs for Districts 6, 10, the Tenakee Inlet portion of District 12, and Section 13-C be increased at this time. The suggested new upper GHRs are shown in Table 161-1 as underlined numbers in the column labeled “2005 GHL changes.” These stocks have a demonstrated capability to support harvest greater than the current upper GHRs in regulation.

<u>COST ANALYSIS:</u> If this proposal were adopted, the department does not believe it would result in additional direct cost for the private person to participate.

Table 261-1. Historic Southeast Alaska pot shrimp fishery upper end of the GHR, and recent year changes of the GHL in effect for the 2004-05 and 2005-06 seasons.

District or Section	1997 Upper GHR	2000 Upper GHR	2003 Regulation GHR	2004 GHL changes	2005 GHL changes	Proposal 261 Suggested GHR
1	145,000	164,000	164,000			164,000
2	65,000	86,000	86,000			86,000
3-A	200,000	264,000	264,000	198,000	198,000	198,000
3-B, 3-C		50,000	50,000			50,000
4	20,000	20,000	20,000			20,000
5	20,000	20,000	20,000			20,000
6	65,000	68,000	68,000		82,000	68,000
7	100,000	104,000	104,000	78,000	78,000	78,000
8	20,000	20,000	20,000			20,000
9	15,000	18,000	18,000			18,000
10	30,000	36,000	36,000	48,000	48,000	48,000
11	20,000	20,000	20,000			20,000
12, Tenakee Inlet	20,000	20,000	20,000		28,000	20,000
12 Remainder of District			15,000			15,000
13-A and 13-B	40,000	40,000	15,000			15,000
13-C			30,000	42,000	42,000	42,000
14	20,000	20,000	20,000			20,000
15	20,000	20,000	20,000		15,000	20,000
16	20,000	20,000	20,000	15,000	CLOSED	15,000
Total	820,000	990,000	1,010,000	937,000	939,000	937,000

Reporting Requirements

PROPOSAL 266. PAGE 195. 5 AAC 31.143. REPORTING REQUIREMENTS FOR SHRIMP CATCHER-PROCESSOR AND CATCHER-SELLER VESSELS IN REGISTRATION AREA A. Amend the regulation as follows:

Delete (b) and (c) and specify reporting requirements and fish ticket requirements as specified on page 195 of the proposal book.

PROPOSED BY: Alaska Department of Fish and Game

WHAT WOULD THE PROPOSAL DO? This proposal amends existing regulations to include shrimp catcher-processor reporting requirements now in place by Emergency Order.

WHAT ARE THE CURRENT REGULATIONS?

5 AAC 31.143

(a) The vessel owner or operator of a catcher-processor vessel registered to take shrimp in Registration Area A shall report to a local representative of the department within 72 hours following the closure of a fishing period in any district or portion of a district the following information:

1. the pounds in whole weight by species of shrimp on board the vessel taken during the fishing period in any district or portion of a district

2. other information requested by the department for the purpose of conserving or developing shrimp resources.

(b) The commissioner may require the owner or operator of a catcher processor vessel fishing in Registration Area A to report to a local representative of the department during the open shrimp fishing period to provide the information required in (a) of this section.

(c) The owner or operator of a catcher-processor vessel shall complete a separate ALASKA DEPARTMENT OF FISH AND GAME shrimp fish ticket for each district that the catcher-processor vessel landed shrimp and submit the tickets to the department within seven days after the first delivery of shrimp in the district.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL IS ADOPTED? If this proposal were adopted, reporting requirements for shrimp catcher-processor pot and beam-trawl fisheries now in force by Emergency Order would adopted into regulation.

BACKGROUND: The Southeast Alaska pot and beam trawl shrimp fisheries are managed to achieve target harvest goals by regulatory district or portions of a district. Districts or portions of a district are closed based on inseason catch reporting. Catcher-processor vessels have the capability of staying on the fishing grounds for extended periods of time and harvesting significant quantities of shrimp. Additionally, shrimp fishing vessels are free to fish any area in the region and often move, making catch reporting difficult to track on a timely basis. The BOF recognized that the department needed the authority to institute additional reporting requirements as needed to manage the pot and beam trawl shrimp fisheries in an orderly manner in order to achieve target harvest levels on a consistent basis.

DEPARTMENT COMMENTS: The department submitted and SUPPORTS the adoption of this proposal, as it will directly benefit fishery managers by providing timely and accurate harvest information for management of the shrimp fisheries in Registration Area A. Pot shrimp fishermen will benefit by having all the reporting requirements posted in the regulation books. If adopted, the department would like to clarify that the reporting requirements under this regulation should also apply to fishermen with the new "direct marketer" permit.

COST STATEMENT: The department does not believe that adoption of this proposal would result in any additional direct cost for a private person to participate in this fishery, as these reporting requirements are currently established by Emergency Order.

Beam Trawl

PROPOSAL 263 - 5 AAC 31.116. SHRIMP BEAM TRAWL GUIDELINE HARVEST RANGES AND BYCATCH LIMITS FOR REGISTRATION AREA A. Amend the regulation as follows:

(c) In the districts specified in (b) of this section, a beam trawl permit holder must retain, weigh, and report all spot and [OR] coonstripe shrimp that are less than 60 count per pound, based on the whole weight of the shrimp. Except in District 11, the permit holder must weigh and report as bycatch overage on an ALASKA DEPARTMENT OF FISH AND GAME fish ticket all spot and [OR] coonstripe shrimp less than 60 count per pound and in excess of 10 percent whole weight of all targeted shrimp species on board the vessel. A permit holder shall surrender to the state the proceeds from the sale of spot and coonstripe shrimp that are less than 60 count per pound and that exceed the 10 percent bycatch level.

PROPOSED BY: Alaska Department of Fish and Game

WHAT WILL THE PROPOSAL DO? This proposal would clarify that the 10 percent trip limit for retention of spot and coonstripe shrimp in the beam trawl fishery in Southeast Alaska, does not sum to 20 percent of both species combined but is a total threshold level.

WHAT ARE THE CURRENT REGULATIONS? Current regulations specify trip limits of 10 percent of spot or coonstripe shrimp.

WHAT WILL BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? If this proposal were adopted, the regulatory language will reflect current management interpretation and original BOF intent, minimizing confusion among the fleet.

BACKGROUND: At the 2003 meeting of the BOF in Sitka, annual spot and coonstripe shrimp bycatch limits were established for the beam trawl fishery in Southeast Alaska. Limits were thought necessary because of increased beam trawl fishery targeting on spot and coonstripe shrimp due to the poor market for northern pink shrimp. Spot shrimp particularly are associated with a hard bottom and high profile habitat that can be easily damaged by trawl gear. In addition, spot and coonstripe shrimp stocks are thought to be fully utilized by the pot fishery.

Beam trawl fleet representatives present at the meeting were concerned about the potential for one or two individuals to catch the entire bycatch limit in one or two trips through targeted fishing. To prevent this, they requested that trip limits also be established. A cap at the 10 percent level was thought to reflect a reasonable bycatch level of spot and coonstripe shrimp combined when targeting northern pink or sidestripe shrimp.

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

COST ANALYSIS: If this proposal were adopted, the department does not believe it would result in additional direct cost for the private person to participate.

PROPOSAL 264 - 5 AAC 31.125. LAWFUL SHRIMP TRAWL GEAR FOR REGISTRATION AREA A. Amend the regulation as follows:

(c) A registered shrimp vessel may not have, at any time in the aggregate, more than two trawl nets [THE LEGAL LIMIT OF TRAWL GEAR] on board the vessel; however, only one trawl may be operated at any one time.

PROPOSED BY: Alaska Department of Fish and Game

WHAT WILL THE PROPOSAL DO? This proposal would clarify that a spare beam trawl net may be carried but that only one net may be operated at any one time.

WHAT ARE THE CURRENT REGULATIONS? Current regulations specify that only the legal limit of trawl gear may be on board the vessel at any time however the legal limit is nowhere specified.

WHAT WILL BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? If this proposal were adopted, the legal limit of beam trawl gear in Southeast Alaska will be clarified and the practice of carrying a spare net will be specifically allowed, saving fishers time and effort when a net is torn on a long trip.

BACKGROUND: The regulation describing legal shrimp trawl gear in Southeast Alaska was established prior to 1982. Recently, questions have arisen as to whether a spare trawl net may be carried aboard a vessel during fishing operations. The intent of the original regulation was not to prohibit having spare gear, but rather to limit the number of trawls that may be operated.

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

COST ANALYSIS: If this proposal were adopted, the department does not believe it would result in additional direct cost for the private person to participate.

PROPOSAL 265 - 5 AAC 31.128. OPERATION OF OTHER POT GEAR IN REGISTRATION AREA A. Amend the regulation as follows:

5 AAC 31.128. Operation of other [POT] gear in Registration Area A.

(c) During a commercial shrimp fishery, a vessel may be validly registered for either but not both beam trawl or pot shrimp fisheries, except that a person or vessel may stop participating in either fishery and instead participate in the other if the vessel owner, or owner's agent contacts a representative of the department, in person, and requests that the beam trawl or pot shrimp registration be invalidated.

PROPOSED BY: Alaska Department of Fish and Game

WHAT WILL THE PROPOSAL DO? This proposal would prohibit simultaneous registration for both pot and beam trawl shrimp fisheries in Registration Area A, Southeast Alaska.

WHAT ARE THE CURRENT REGULATIONS? Current regulations [5 AAC 31.053] disallow the operation of commercial, personal use, sport, or subsistence shrimp gear during the 14 days prior to and 14 days after the commercial pot fishery for shrimp. They also [5 AAC 31.128] allow concurrent participation in king or Tanner crab fisheries and pot shrimp fisheries. Neither regulation disallows simultaneous registration for pot and beam trawl shrimp fisheries. Additionally, regulations [5 AAC 31.110 and 5 AAC 31.111] provide for simultaneous seasons for beam trawl and pot gear in several areas.

WHAT WILL BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? If this proposal were adopted, simultaneous registration for pot and beam trawl shrimp fisheries would be specifically disallowed, eliminating the legal possibility of retaining spot or coonstripe shrimp caught in beam trawls while also fishing for those same species using pot gear.

BACKGROUND: Beam trawl bycatch limits were established at the 2003 meeting of the BOF. These limits are currently unenforceable because spot and coonstripe shrimp caught in beam trawls could be recorded as catch from pot gear and not applied to the beam trawl bycatch limits of these species. This could effectively circumvent the bycatch limits and allow continued beam trawl fishing beyond what would normally be allowed.

DEPARTMENT COMMENTS: The department submitted and SUPPORTS this proposal. If spot and coonstripe bycatch in the beam trawl fishery was incorrectly recorded as pot catch, it would alter or cloud data trends for effort and catch, as well as misrepresent actual historical bycatch levels of these species in the beam trawl fishery.

COST ANALYSIS: If this proposal were adopted, the department does not believe it would result in additional direct cost for the private person to participate.

Personal Use

PROPOSAL 250 - 5 AAC 77.660(2). PERSONAL USE SHRIMP FISHERY. Amend the regulation as follows:

(2) a commercially licensed and registered shrimp fishing vessel may not be used to take shrimp in Districts 6 through 8 and 10 from February 15 through April 30 [, EXCEPT DURING AN EXPLORATORY SHRIMP FISHERY PROVIDED FOR IN 5 AAC 31.111(b)].

PROPOSED BY: Alaska Department of Fish and Game

WHAT WILL THE PROPOSAL DO? This proposal would remove a portion of the personal use shrimp regulations for Southeast Alaska referencing an exploratory commercial beam trawl fishery in Southeast Alaska, Registration Area A, that was provided for in 5 AAC 31.111(b). The fishery was eliminated at the 2003 meeting of the Alaska Board of Fisheries (BOF).

WHAT ARE THE CURRENT REGULATIONS? Current personal use shrimp fishing regulations for Southeast Alaska, Registration Area A describe an exception to the prohibition on using a commercial vessel for personal use fishing during the exploratory beam trawl fishery.

WHAT WILL BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? Reference in the personal use fishing regulations for Southeast Alaska to a non-existent commercial fishery will be removed and personal use fishing regulations will be clearer and more accurate.

BACKGROUND: Provisions for an exploratory beam trawl fishery in 5 AAC 31.111(b) were removed at the 2003 Southeast Dungeness, Shrimp, Miscellaneous Shellfish, Groundfish and Herring meeting of the BOF to provide for consistency of not fishing during the egg hatch period (March 1 through April 30) in both the beam trawl and pot fisheries for shrimp. The reference to this exploratory fishery in 5 AAC 77.660 should have been removed at the time, but was not due to an oversight.

DEPARTMENT COMMENTS: The department submitted and SUPPORTS this proposal as housekeeping.

COST ANALYSIS: If this proposal were adopted, the department does not believe it would result in additional direct cost for the private person to participate.

Sport

PROPOSAL 267. PAGE 197. 5 AAC 47.041. Sport fishing from commercially licensed vessels; charter vessel registration. Amend the regulations to include the following:

No vessel registered as a charter vessel may be used to fish for shrimp in the Sitka Sound Special Use Area from May 1 through September 15.

PROPOSED BY: Artwin E. Schmidt.

WHAT WOULD THE PROPOSAL DO? This proposal would prohibit registered sport charter vessels from being used to sport fish for shrimp in the Sitka Sound Special Use Area (SSSUA) from May 1 though September 15.

WHAT ARE THE CURRENT REGULATIONS? Current sport fishery regulations do not prohibit the use of registered charter vessels to fish for shrimp. However, the captain and crewmembers of a charter vessel may not deploy, set, or retrieve their own gear in a sport, personal use, or subsistence shellfish fishery when that vessel is being chartered (5 AAC 47.036(b)). In addition, a charter vessel cannot be used for any commercial fishery on the day that it is used for hire in a sport, personal use or subsistence fishery.

Charter vessel operators, lodge owners, and their employees are also restricted from supplying sport, subsistence, or personal use caught shellfish to their clients or guests unless the shellfish has been taken with gear deployed and retrieved by the client or guest, the gear has been marked with the client's or guest's name and address along with the vessel name, division of motor vehicles boat registration number, or Coast Guard documentation number (5 AAC 75.035(1), and the shellfish is consumed by the client or guest or is consumed in the presence of the client or guest (5 AAC 47.036(a)(3).

The sport fishery for shrimp is open year round throughout Southeast Alaska, with a bag and possession limit of 10 pounds or 10 quarts of shrimp. Sport fishing gear is limited to pots and ring nets. Under personal use regulations, Alaska residents may take shrimp year round throughout the region. Qualified Alaska residents may also take shrimp under subsistence regulations in areas with Customary and Traditional use findings for shrimp,

including the SSSUA. Regulations for subsistence and personal use fisheries allow unlimited harvest of shrimp.

The SSSUA is defined in 5 AAC 47.021(g)(1).

WHAT WOULD BE THE EFFECT IF THE PROPOSAL IS ADOPTED? This proposal would prohibit all anglers (residents and nonresidents) from harvesting shrimp in the SSSUA with the use of a registered charter vessel from May 1 through September 15. This proposal would also prohibit charter operators from using a registered charter vessel for their own subsistence, personal use or sport harvest of shrimp from May 1 through September 15 in the SSSUA. Only individuals fishing from a private vessel (not a registered charter vessel) would be allowed to harvest shrimp under subsistence, personal use or sport regulations. It is clear that the intent of this proposal is to restrict all shrimp harvest from registered charter vessels. To accomplish this goal, similar restrictions should be included in the Southeast subsistence and personal use chapters (5 AAC 02.119 and 5 AAC 77.699) in addition to the sport fishing chapter (5 AAC 47.036). The amount of shrimp taken in the SSSUA under sport, subsistence and personal use regulations is not known, so the potential reduction in harvest cannot be assessed.

BACKGROUND: In response to concerns over increasing harvest of shellfish by charter operators and that sport or personal use caught shellfish was unlawfully being supplied to clients, the Board adopted regulations in 1997 prohibiting charter vessel operators, lodge owners and their employees from supplying clients with sport, subsistence or personal use caught shellfish. The goal of this proposal is to curb the perceived abuse of the regulations that allow only charter clients to set and retrieve their own shellfish gear while on a charter boat.

The Sitka Sound Local Area Management Plan (LAMP) and area were developed and implemented by the National Marine Fisheries Service (NMFS) in collaboration with the Board in order to reduce competition for halibut and address localized depletion concerns in the Sitka Sound area. Regulations that were applied in the Sitka Sound LAMP area provide greater harvest opportunity for subsistence sport and personal-use halibut fisherman by restricting commercial and charter vessel harvests in the area. The SSSUA established by the Board mirrors the Sitka Sound LAMP area established by NMFS. In 2003, the Board reduced the commercial season for Dungeness crab and closed the commercial shrimp fishery in the SSSUA. Prior to 2003, the Board reduced the non-pelagic rockfish bag and possession limits and closed the sport fishery for razor clams in the SSSUA due to management concerns.

DEPARTMENT COMMENTS: The department is NEUTRAL on this proposal because it deals with allocation between guided and unguided fishermen. The proposal cites

conservation concerns for shrimp in the SSSUA. The department has no information by which to assess the existence or magnitude of the resource conservation issue.

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 268. PAGE 197. 5 AAC 47.035. Methods, means and special provisions-Shellfish. Amend these regulations to include the following:

Shrimp may not be taken by sport fishermen in waters closed to commercial shrimp fishing listed in 5 AAC 31.136 (3), (4), and (5).

PROPOSED BY: Wrangell Advisory Committee

WHAT WOULD THE PROPOSAL DO? This proposal would prohibit sport fishing for shrimp in waters of Southeast Alaska that are closed to commercial shrimp pot fishing.

WHAT ARE THE CURRENT REGULATIONS? Three areas in Southeast Alaska are closed to the commercial taking of shrimp with pots: the Sitka Sound Special Use Area (SSSUA) and two smaller areas near the communities of Ketchikan and Hollis (5 AAC 31.136(3) (4) and (5)).

The sport fishery for shrimp is open year round throughout Southeast Alaska, with a bag and possession limit of 10 pounds or 10 quarts of shrimp. Sport fishing gear is limited to pots and ring nets. Alaska residents may take shrimp year round throughout the region under personal use regulations. Qualified Alaska residents may also take shrimp under subsistence regulations in areas with Customary and Traditional use findings for shrimp. Regulations for subsistence and personal use fisheries allow an unlimited harvest of shrimp.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL IS ADOPTED? This proposal will eliminate harvest opportunity for nonresidents in the three areas of Southeast Alaska that are closed to commercial shrimp pot fishing. Residents could continue to fish for shrimp in these areas under personal use or subsistence regulations. Nonresidents would have to fish for shrimp in other areas. Because the SSSUA includes all salt waters near Sitka, shrimp harvest by nonresidents in the Sitka area would be reduced substantially..

BACKGROUND: The Sitka Sound Local Area Management Plan (LAMP) and area were developed and implemented by the National Marine Fisheries Service (NMFS) in collaboration with the Board in order to reduce competition for halibut and address

localized depletion concerns in the Sitka Sound area. The SSSUA established by the Board mirrors the Sitka Sound LAMP area established by NMFS. In 2003, the Board reduced the commercial season for Dungeness crab and closed the commercial shrimp fishery in the SSSUA. Prior to 2003, the Board reduced the non-pelagic rockfish bag and possession limits and closed the sport fishery for razor clams in the SSSUA due to management concerns. In 2000, the Board also closed two smaller areas to commercial shrimp fishing: one near the city of Ketchikan, and the other near the community of Hollis on the east side of Prince of Wales Island.

With the exception of the Ketchikan area, sport and personal use harvests of shrimp are generally not estimated. Sport and personal use shrimp harvests in the Ketchikan area have been stable over the past five years, with harvests ranging from 95,000 to 159,000 shrimp. The department does not have estimates of harvest by residents and nonresidents, but charter vessel shrimp harvests have been sporadic in the Ketchikan area: 3% and 12% of the total recreational harvest in the years 2002 and 2004, respectively.

The department has conducted stock assessment surveys for shrimp since 1997. However, the department considers commercial harvest trends as providing the most reliable long-term indicator of sustainability of harvest levels. In 1997, the Board adopted guideline harvest levels, gear descriptions, fishing hours, mesh size and pot limits in response to a rapid increase in commercial participation. Since 1997, commercial harvests of shrimp have remained relatively stable.

DEPARTMENT COMMENTS: The department is NEUTRAL on this proposal as the intent is to allocate between residents and nonresidents. There are no identified conservation or biological concerns with shrimp stocks in the areas identified in 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.

PROPOSAL 269. PAGE 198. 5 AAC 47.036. Prohibitions. Amend these regulations to include the following:

No vessel registered as a charter vessel may be used to fish for shellfish in the Sitka Sound Special Use Area from May 1 through September 15.

PROPOSED BY: Artwin E. Schmidt.

WHAT WOULD THE PROPOSAL DO? This proposal would prohibit registered sport charter vessels from being used to sport fish for shellfish in the Sitka Sound Special Use Area (SSSUA) from May 1 though September 15.

WHAT ARE THE CURRENT REGULATIONS? Current sport fishery regulations do not prohibit the use of registered charter vessels to fish for shellfish. However, the captain and crewmembers of a charter vessel may not deploy, set, or retrieve their own gear in a sport, personal use, or subsistence shellfish fishery when that vessel is being chartered (5 AAC 47.036(b), 5 AAC 77.699(b), and 5 AAC 02.199(b)). In addition, a charter vessel cannot be used for any commercial fishery on the day that it is used for hire in a sport, personal use or subsistence fishery.

Charter vessel operators, lodge owners, and their employees are also restricted from supplying sport, subsistence, or personal use caught shellfish to their clients or guests unless the shellfish has been taken with gear deployed and retrieved by the client or guest, the gear has been marked with the client's or guest's name and address along with the vessel name, division of motor vehicles boat registration number, or Coast Guard documentation number (5 AAC 75.035(1), and the shellfish is consumed by the client or guest or is consumed in the presence of the client or guest (5 AAC 47.036(a)(3), 5 AAC 77.699(a)(3), and 5 AAC 02.199(a)(3)).

The sport fishery for Dungeness crab and shrimp are open year round throughout Southeast Alaska. The sport bag and possession limit for crab is 5 Dungeness and Tanner crab in combination, males only, with a minimum size limit of 6 ½ inches for Dungeness. Sport fishing gear for Dungeness crab and shrimp is limited to pots and ring nets. The sport fishery bag and possession limit for shrimp is 10 pounds or 10 quarts of shrimp.

Subsistence regulations allow qualified Alaska residents to harvest shrimp and Dungeness crab in areas with Customary and Traditional findings for those species, including the SSSUA. Personal use regulations allow all Alaska residents the opportunity to harvest crab and shrimp region wide. Regulations for both fisheries allow bag limits of 20 Dungeness crab per day and unlimited harvest of shrimp. As with the sport fishery, only male Dungeness crabs with a minimum size of 6 ½ inches may be taken in the personal use and subsistence fisheries.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL IS ADOPTED? This proposal would prohibit all anglers (residents and nonresidents) from harvesting shellfish in the SSSUA with the use of a registered charter vessel from May 1 through September 15. This proposal would also prohibit charter operators from using registered charter vessel for their own subsistence, personal use or sport harvest of shellfish from May 1 through September 15 in the SSSUA. Only individuals fishing from a private vessel (not a registered charter vessel) would be allowed to harvest shellfish under subsistence, personal use or sport regulations. It is clear that the intent of this proposal is to restrict all shrimp harvest from registered charter vessels. To accomplish this goal, similar restrictions should be included in the Southeast subsistence and personal use chapters (5

AAC 02.199. and 5 AAC 77.699.) in addition to the sport fishing chapter (5 AAC 47.036.). The amount of shellfish taken in the SSSUA under sport, subsistence and personal use regulations is unknown, so the potential reduction in harvest cannot be assessed.

BACKGROUND: In response to concerns over increasing harvest of shellfish by charter operators and that sport or personal use caught shellfish was unlawfully being supplied to clients, the Board adopted regulations in 1997 prohibiting charter vessel operators, lodge owners and their employees from supplying clients with sport, subsistence or personal use caught shellfish. The goal of this proposal is to curb the perceived abuse of the regulations that allow only charter clients to set and retrieve their own shellfish gear while on a charter boat.

The Sitka Sound Local Area Management Plan (LAMP) and area were developed and implemented by the National Marine Fisheries Service (NMFS) in collaboration with the Board in order to reduce competition for halibut and address localized depletion concerns in the Sitka Sound area. Regulations that were applied in the Sitka Sound LAMP area provide greater harvest opportunity for subsistence, sport and personal use halibut fisherman by restricting commercial and charter vessel harvests in the area. The SSSUA established by the Board mirrors the Sitka Sound LAMP area established by NMFS. In 2003, the Board reduced the commercial season for Dungeness crab and closed the commercial shrimp fishery in the SSSUA. Prior to 2003, the Board reduced the non-pelagic rockfish bag and possession limits and closed the sport fishery for razor clams in the SSSUA due to management concerns. The amount of shellfish taken in the SSSUA under sport, subsistence and personal use regulations is unknown, so the potential reduction in harvest cannot be assessed.

DEPARTMENT COMMENTS: The department is NEUTRAL on this proposal as the intent is to allocate between guided and unguided fishermen. The proposal cites conservation concerns for shrimp and Dungeness crab in the SSSUA. The department has no information by which to assess the existence or magnitude of the resource conservation issue.

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 270. PAGE 199. 5 AAC 47.036. Prohibitions. Amend these regulations to include the following:

Clients or guests of a lodge, charter vessel, or other enterprise that furnishes food, lodging, or guide services may not set or deploy shellfish gear.

PROPOSED BY: William A. Stortz.

WHAT WOULD THE PROPOSAL DO? This proposal would prohibit clients or guests of a lodge, charter vessel, or other enterprise that furnishes food, lodging or guide services from setting or deploying shellfish gear. It appears from other language in the proposal that the intent is to also prohibit clients and guests from retrieving shellfish gear.

WHAT ARE THE CURRENT REGULATIONS? Charter vessel operators, lodge owners, and their employees are restricted from supplying sport, subsistence, or personal use caught shellfish to their clients or guests unless the shellfish has been taken with gear deployed and retrieved by the client or guest, the gear has been marked with the client's or guest's name and address along with the vessel name, division of motor vehicles boat registration number, or Coast Guard documentation number, and the shellfish is consumed by the client or guest or is consumed in the presence of the client or guest.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL IS ADOPTED? This regulation, in combination with existing regulations, would prohibit clients or guests of a lodge, charter vessel or any enterprise that furnishes food or guide service from harvesting shellfish. This restriction would apply only to nonresidents because residents could still harvest shellfish under personal use or subsistence regulations (unless this restriction was also applied to 5 AAC 02.199. and 5 AAC 77.699.). Regional sport fish Dungeness crab harvest would be reduced by approximately 8 percent (4,700 crabs) if this proposal were adopted.

BACKGROUND: In response to concerns over increasing harvest of shellfish by charter operators and that sport or personal use caught shellfish was unlawfully being supplied to clients, the Board adopted regulations in 1997 prohibiting charter vessel operators, lodge owners and their employees from supplying clients with sport, subsistence or personal use caught shellfish. The goal of this proposal is to curb the perceived abuse of the regulations that allow only charter clients to set and retrieve their own shellfish gear while on a charter boat.

DEPARTMENT COMMENTS: The department is NEUTRAL on this proposal as the intent is to allocate between guided and unguided fishermen. The proposal cites localized depletion of shellfish stocks. The department has no information by which to assess the existence or magnitude of this resource conservation issue.

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 271. PAGE 200. 5 AAC 75.035. Sport fishing gear for shellfish. Amend the regulations to include the following:

Guided sport fishing vessels may not possess shellfish harvesting gear or fish for shellfish between May 1 and September 30.

PROPOSED BY: Brian McNitt.

WHAT WOULD THE PROPOSAL DO? This proposal would prohibit the possession of shellfish harvesting gear on guided sport fishing vessels anywhere in Alaska between May 1 and September 30.

WHAT ARE THE CURRENT REGULATIONS? Currently there are no regulations that prohibit the possession of shellfish gear on charter vessels. However, regulations in Southeast Alaska prohibit the captain and crewmembers of a charter vessel from deploying, setting or retrieving gear in a sport, subsistence, or personal use shellfish fishery when that vessel is being chartered.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL IS ADOPTED? If shellfish gear were not allowed on charter vessels statewide from May 1 to September 30, all harvest of shellfish from charter vessels would be eliminated during this time. If the intent is for this regulation to only be in effect in Southeast Alaska, then the regulation should be adopted in 5 AAC 47.035. If the intent is for this proposed regulation to be in effect statewide this proposal should be resubmitted for consideration during a statewide Board meeting. The expected reduction in sport fish harvest of Dungeness crab in Southeast Alaska would be approximately 4,700 crabs (8% of the average regional harvest). The reduction in resident harvest would be approximately 1,100 crabs (2% of the average regional harvest). There would be an expected decline in harvest of other shellfish species, but the department has no information with which to assess the magnitude of the reduction.

BACKGROUND: In response to concerns over increasing harvest of shellfish by charter operators and that sport or personal use caught shellfish was unlawfully being supplied to clients, the Board adopted regulations in 1997 prohibiting charter vessel operators, lodge owners and their employees from supplying clients with sport, subsistence or personal use caught shellfish. The goal of this proposal is to curb the perceived abuse of the regulations that allow only charter clients to set and retrieve their own shellfish gear while on a charter boat.

Pre and post season stock assessment surveys began in 1997 and 1999 for shrimp and Dungeness crab, respectively, but commercial harvest trends currently provide the best long-term indicator of sustainability of harvest levels. Since 1995, harvest trends in the

commercial Dungeness crab fishery have become more variable due to increased fishing effort and reduced carry over from one year to the next. The 2002/2003 commercial harvest of Dungeness crab was the largest in the history of the fishery, likely a function of both increased effort and high abundance. In 1997, the Board adopted Guideline Harvest Levels, gear descriptions, fishing hours, mesh size and pot limits for the pot shrimp fishery in response to rapidly increasing participation. Commercial shrimp harvests since 1997 have remained stable.

DEPARTMENT COMMENTS: The department is NEUTRAL on this proposal as the intent is to allocate between guided and unguided fishermen. The proposal cites localized depletion of shellfish stocks. The department has no information by which to assess the existence or magnitude of the resource conservation issue.

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.