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ALASKA DEPARTMENT OF FISH AND GAME

STAFF COMMENTS ON KING AND TANNER CRAB, AND SUPPLEMENTAL ISSUES PROPOSALS

ALASKA BOARD OF FISHERIES MEETING

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The following staff comments were prepared by the Alaska Department of Fish and Game for use at the Alaska Board of Fisheries meeting, March 3-9, 2008 in Anchorage, Alaska and are prepared to assist the public and board. The stated staff comments should be considered preliminary and subject to change, if or when new information becomes available. Final Department positions will be formulated after review of written and oral testimony presented to the Alaska Board of Fisheries.

ABSTRACT

This document contains Alaska Department of Fish and Game (ADF&G) staff comments on king and Tanner crab, and supplemental issues regulatory proposals for statewide management areas. These comments were prepared by ADF&G for use at the Alaska Board of Fisheries meeting, March 3–9, 2008 in Anchorage, Alaska. The comments are forwarded to assist the public and Board. The comments contained herein should be considered preliminary and subject to change, as new information becomes available. Final department positions will be formulated after review of written and oral public testimony presented to the Board.

Key words: Alaska Board of Fisheries, staff comments, shellfish, management, regulatory proposals, supplemental issues, king crab, Tanner crab.

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	369	S	Provide for partial observer coverage in Bering Sea Tanner crab fishery.
	370	S	Modify preseason vessel registration requirements for rationalized fisheries.
	371	S	Modify preseason vessel registration requirements for Bering Sea Tanner crab.
	372	S	Clarify IFQ fishery crab management plan.
	373	S	Define directed and incidental Tanner crab fishing for rationalized fisheries.
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	375	S	Clarify regulation for unatttended gear prior to storage.
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	379	N	Allow 20 groundfish pots for bait in the Bristol Bay red king crab fishery.
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* Postion - N=Neutral, S=Support, O=Oppose, NA=No Action, N/S=Neutral on Allocation-but Support, N/O=Neutral on Allocation-but Oppose

COMMITTEE A – Bering Sea King and Tanner Crab (14 Proposals)

PROPOSAL 368 – 5 AAC 39.690. Bering Sea/Aleutian Islands King and Tanner Crab Community Development Quota (CDQ) Fisheries Management Plan.

Proposed By: Alaska Department of Fish and Game (ADF&G).

What Would The Proposal Do? This proposal would allow community development quota (CDQ) transfer among eligible CDQ groups to cover crab harvest exceeding a group allocation.

What Are The Current Regulations? Current regulation only allows CDQ crab quota transfer before crab is harvested.

What Would Be The Effect If The Proposal Were Adopted? If this proposal is adopted, a CDQ group could transfer unused CDQ crab quota to an eligible CDQ group with excess crab on board. State CDQ regulation will be in agreement with the Magnuson-Stevens Fishery Management and Conservation Act.

Proposed regulatory language as follows:

5 AAC 39.690. Bering Sea/Aleutian Islands King and Tanner Crab Community Development Quota (CDQ) Fisheries Management Plan.

(e)(6)(D) a person operating a vessel in a CDQ fishery may not exceed the CDQ group allocation specified in this paragraph; [ALL] CDQ crab taken in excess of the CDQ group allocation [SHALL BE] **may be voluntarily transferred to an eligible CDQ group at the time of the offload. If a CDQ group is unable to transfer the excess crab then the crab shall be** weighed, sold, and reported on an ADF&G fish ticket **and** all proceeds from the sale of CDQ crab in excess of the group allocation shall be surrendered to the state.

Background: The state of Alaska manages Bering Sea-Aleutian Islands crab under the federal Bering Sea-Aleutian Islands Crab Fishery Management Plan (FMP). In 2006, the Magnuson-Stevens Fishery Conservation and Management Act was amended to allow voluntary quota transfers among eligible CDQ groups to cover harvest exceeding a group allocation after harvesting has occurred. Current state regulation only allows CDQ quota transfers before the crab has been harvested.

Department Comments: The proposal as submitted to the Alaska Board of Fisheries allows for transfer of crab not CDQ quota. The intention of the proposal is to allow a CDQ group to transfer available quota to an eligible CDQ group with excess crab on board. In December of 2007 the North Pacific Fishery Management Council (NPFMC) adopted regulation allowing for post-delivery IFQ transfer to occur up to June 30 of the current registration year; June 30 is the end of the IFQ crab regulatory year.

Because IFQ and CDQ crab are often harvested simultaneously onboard the same vessel, ADF&G would like to adopt a regulation that mirrors the federal IFQ overage regulation with respect to the time period allowed for quota transfer. Therefore, ADF&G **SUPPORTS** this staff proposal with the following amended regulatory language which provides for the transfer of quota, not crab as originally proposed, and allows for quota transfer to occur up to June 30 to match federal regulations for IFQ transfer**:**

5 AAC 39.690. Bering Sea/Aleutian Islands King and Tanner Crab Community Development Quota (CDQ) Fisheries Management Plan.

(e)(6)(D) a person operating a vessel in a CDQ fishery may not exceed the CDQ group allocation specified in this paragraph; [ALL] **a** CDQ **group that retains** crab [TAKEN] in excess of the CDQ group allocation [SHALL BE] **may have quota voluntarily transferred to them from an eligible CDQ group no later than June 30 of the current allocation year. If a CDQ group is unable to obtain quota for the excess crab then the crab shall be** weighed, sold, and reported on an ADF&G fish ticket **and** all proceeds from the sale of CDQ crab in excess of the group allocation shall be surrendered to the state.

This proposal is a Federal Fishery Management Plan for Bering Sea/Aleutian Islands King and Tanner Crabs (FMP) Category 2, GHL management measure.

Cost Analysis: ADF&G does not believe that approval of this proposal would result in a direct cost for a private person to participate in this fishery.

PROPOSAL 369 – 5 AAC 39.645. Shellfish Onboard Observer Program (d)(4)(D)(ii).

Proposed By: Alaska Department of Fish and Game

What Would The Proposal Do? The purpose of this proposal is to align observer-coverage regulation with the ADF&G's current observer coverage policy for vessels harvesting *C. bairdi* Tanner crab in Registration Area J, Bering Sea District.

What Are The Current Regulations? Observer coverage is required during the directed harvest of *C. bairdi* Tanner crab for 30 percent of the total crab weight on each catcher vessel in Registration Area J, Bering Sea District.

What Would Be The Effect If The Proposal Were Adopted? This proposal gives the ADF&G the latitude needed to assure that adequate observer data is collected to help characterize the rationalized Bering Sea *C. bairdi* Tanner crab fishery.

Although not in regulation, ADF&G has recently selected between 30 percent and 100 percent of the catcher vessels engaged in directed harvest of Bering Sea *C. bairdi* Tanner crab to carry an observer for 100 percent of their fishing time. The substitute regulatory language provided below reflects the ADF&G's current policy for observer coverage in the *C. bairdi* Tanner crab fishery in the Bering Sea District.

Substitute regulatory language: **5 AAC 39.645. Shellfish Onboard Observer Program (d)(4)(D)(ii).** during harvest of 30 percent of the total *C. bairdi* Tanner crab weight harvested on each catcher vessel while operating fishing gear during each registration year, **or the department may randomly select between 30 percent and 100 percent of the catcher vessels engaged in directed harvest of *C. bairdi* Tanner crab to carry onboard observers for 100 percent of the fishing time of each selected catcher vessel,** unless a catcher vessel harvests *C. bairdi* Tanner crab as incidental catch during directed fishing for either Bristol Bay red king crab or Bering Sea *C. [OPILIA]* ***opilio*** (snow crab), where observer coverage requirements for those directed fisheries would apply to the *C. bairdi* Tanner crab incidental harvest;

Background: The Bering Sea Tanner crab fishery was rationalized beginning with the 2005/06 fishing season. The ADF&G's goal in 2005/06 was to place observers on 30% of the vessels engaged in directed harvest of Tanner crab. The ADF&G was unable to determine inseason during the 2005/06 Tanner crab fishery whether observer coverage was adequate. Because of the difficulty tracking observer coverage levels inseason for the Tanner crab fishery and also because separate Tanner crab quota became available both east and west of 166° West longitude in 2006/07, ADF&G increased the observer coverage goal to 100% percent of the catcher vessels that engaged in directed harvest of Tanner crab. The ADF&G covers the cost of observer coverage through test fishing/federal grants for catcher vessels selected to carry an observer in this fishery.

The ADF&G's selection of catcher vessels for observer coverage in the Bristol Bay red king crab and Bering Sea snow crab fisheries relies on the preseason registration process completed by 5:00 p.m. September 24 of each year. Participation and harvest that may occur during the Bering Sea *C. bairdi* Tanner crab fishery between October 15 and March 31 cannot be predicted using the same preseason vessel registration process because those vessels that are preseason registered for the rationalized Tanner crab fishery include vessels that wish to retain Tanner crab incidental to harvest in other crab fisheries, vessels that wish to engage in directed harvest of Tanner crab, and vessels that want the option to both directly and incidentally harvest Tanner crab. Additionally, the preseason registration process is not an indicator of a vessel's harvest of Individual Fishing Quota (IFQ) east or west of 166° West longitude in the Bering Sea District. As a result, the ADF&G is unable to determine how to place observers on vessels for adequate data collection for temporal and spatial characterization of the fishery based on the preseason registrations submitted to ADF&G.

Fishing effort in the Tanner crab fishery is unpredictable throughout the season, and largely dependent on the industry's business decisions. Recent effort levels in the fishery have been low with a portion of the Total Allowable Catch (TAC) left unharvested.

Table 1. shows that the percentage of Tanner crab catcher vessels that carried observers was less than 40 percent of those that harvested Tanner crab either in a directed fishery or incidentally.

Table 1. Comparison of the number of vessels that pre-season registered to harvest Tanner crab to the number of vessels that harvested Tanner crab, and the percentage of all vessels that harvested Tanner crab that were observed during the Bering Sea Tanner crab fishery, 2005/2006 and 2006/2007.

Year	Number of catcher vessels that pre-season registered to harvest Tanner crab	Number of catcher vessels that harvested Tanner crab[a]	Number of catcher vessels that harvested Tanner crab that carried observers[a]	Percent of all catcher vessels that harvested Tanner crab that carried observers[b]
2005/2006	106	41	14	34.1%
2006/2007	83	55	20	36.4%

[a]Includes vessels that incidentally harvested Tanner crab, vessels that engaged in directed harvest of Tanner crab, and vessels that both incidentally and directly harvested Tanner crab.

[b]Observer present and acting in the capacity of an onboard observer during harvest and delivery.

Department Comments: ADF&G **SUPPORTS** the substitute regulatory language. This proposal is a Federal Fishery Management Plan for Bering Sea/Aleutian Islands King and Tanner Crabs (FMP) Category 3, state observer requirement management measure.

Cost Analysis: ADF&G does not believe that approval of this proposal will result in an additional direct cost for a private person to participate in the fishery.

PROPOSAL 370 – 5 AAC 34.606 AREA O REGISTRATION (b); 5 AAC 34.806 AREA T REGISTRATION (b); 5 AAC 34.906 AREA Q REGISTRATION (c); 5 AAC 35.506 AREA J REGISTRATION (f).

Proposed By: Alaska Department of Fish and Game.

What Would The Proposal Do? This proposal would allow a person to file a preseason vessel registration for a rationalized crab fishery without first obtaining a valid Commercial Fisheries Entry Commission (CFEC) interim-use permit card for that fishery. A CFEC interim-use card would still be required for non-rationalized crab fisheries with a preseason registration requirement.

What Are The Current Regulations? Current Bering Sea and Aleutian Islands crab fishery preseason vessel registration regulations require a vessel operator to possess a valid CFEC interim-use permit card for that fishery to complete a preseason vessel registration.

What Would Be The Effect If The Proposal Were Adopted? Vessel operators or agents would not have to purchase a CFEC interim use card prior to preseason registering.

Proposed regulatory language as follows:

5 AAC 34.606 AREA O REGISTRATION
(b) For the red [AND GOLDEN] king crab fisheries, the vessel registration deadline for the registration year is 21 days before that vessel begins fishing operations. Before a vessel may be registered under this subsection, the vessel operator must **file a preseason registration form with the department** [FIRST] **and** obtain a valid CFEC interim-use permit for Aleutian Islands king crab that references the vessel's ADF&G license number. **For the purposes of filing a preseason registration form for the red king crab fishery west of 179° W. long. a valid CFEC interim-use permit is not required**. The registration form must identify the vessel operator's CFEC permit number and must be received in person, or by mail or facsimile, at the department office in the Dutch Harbor or Kodiak by the deadline specified in this subsection.

5 AAC 34.806 AREA T REGISTRATION
(b) For the red king crab fisher**y** [IES], the vessel registration deadline for the registration year is 5:00 p.m. September 24. **Before a vessel may be registered under this section, the vessel operator must file a preseason registration form with the department** [BEFORE A VESSEL MAY BE REGISTERED UNDER THIS SUBSECTION, THE VESSEL OPERATOR MUST FIRST OBTAIN A VALID CFEC INTERIM-USE PERMIT FOR BRISTOL BAY KING CRAB THAT REFERENCES THE VESSEL'S ADF&G LICENSE NUMBER.] The registration form must identify the vessel **and operator,** [OPERATOR'S CFEC PERMIT NUMBER] and must be received in person, or by mail or facsimile, at the department office in Dutch Harbor or Kodiak by the deadline specified in this subsection.

5 AAC 34.906 AREA Q REGISTRATION
(c) Before a vessel may be registered under this section, the vessel operator must **file a preseason registration form with the department** [FIRST] **and** obtain a valid CFEC interim-use permit for Bering Sea king crab that references the vessel's ADF&G license number. **For the purposes of filing a preseason registration form for Pribilof red and blue king crab or Saint Matthew blue king crab a valid CFEC interim-use permit is not required**. The registration form must identify the vessel operator's CFEC permit number and must be received in person, by mail, or facsimile, at the department office in Dutch Harbor or Kodiak by the applicable deadline specified in (b) of this section.

5 AAC 35.506 AREA J REGISTRATION
(f) Before a vessel may be registered under this section, the vessel operator must **file a preseason registration form with the department** [FIRST] **and** obtain a valid CFEC interim-use permit for [BERING SEA] Tanner crab that references the vessel's ADF&G license number. **For the purposes of filing a preseason registration form for Bering Sea Tanner or snow crab a valid CFEC interim-use permit is not required**. The registration form must identify the vessel operator's CFEC permit number and must be received in person, or by mail or facsimile, at the department office in Dutch Harbor or Kodiak **by the applicable deadline specified in (e) of this section** [BY THE DEADLINE SPECIFIED IN THIS SECTION].

Background: Fishing seasons have been greatly lengthened for the rationalized crab fisheries and all of the rationalized crab fishing seasons span parts of two calendar years. All rationalized crab fisheries with the exception of the Aleutian Islands golden king crab fishery open annually on October 15, however Bering Sea snow and Tanner crab harvest traditionally begins after January 1, and continues up to the biological closure for the respective species. The preseason vessel registration deadline occurring in the prior year can require a participant to purchase a CFEC interim-use permit card for the calendar year in which the vessel operator must file a preseason registration, and another for the year harvest actually occurs.

Prior to the implementation of crab rationalization (CR) ADF&G used the number of vessels preseason registered to set pot limits, evaluate preseason fishery expectations and make onboard observer assignments. The implementation of CR has eliminated the two former functions of the preseason registration process leaving the latter. ADF&G does not believe that assigning observers to vessels in the CR fisheries will be compromised by eliminating the requirement that a person possess a CFEC interim-use permit for that fishery at the time the preseason registration is filed.

Department Comments: ADF&G **SUPPORTS** this staff proposal. This proposal is a Federal Fishery Management Plan for Bering Sea/Aleutian Islands King and Tanner Crabs (FMP) Category 3, reporting requirements management measure.

Cost Analysis: ADF&G does not believe that approval of this proposal would result in a direct cost for a private person to participate in this fishery.

PROPOSAL 371 – 5 AAC 35.510. Fishing Seasons For Registration Area J.

Proposed By: Tary Middlesworth.

What Would The Proposal Do? This proposal would allow a person to file a preseason vessel registration for the Bering Sea Tanner crab fishery without first obtaining a valid Commercial Fisheries Entry Commission (CFEC) interim-use permit card for that fishery.

What Are The Current Regulations? Current Bering Sea and Aleutian Islands crab fishery preseason vessel registration regulations require a vessel operator to possess a valid CFEC interim-use permit card for that fishery to complete a preseason vessel registration.

What Would Be The Effect If The Proposal Were Adopted? Vessel operators or agents would not have to purchase a CFEC interim use card prior to preseason registering.

Background: Fishing seasons have been greatly lengthened for the rationalized crab fisheries and all of the rationalized crab fishing seasons span parts of two calendar years. All rationalized crab fisheries with the exception of the Aleutian Islands golden king crab fishery open annually on October 15, however Bering Sea snow and Tanner crab harvest traditionally begins after January 1, and harvesting continues up to the biological closure for the respective species. The preseason vessel registration deadline occurring in the prior calendar year can require a participant to purchase a CFEC interim-use permit card for the calendar year in which the vessel operator must file a preseason registration, and another for the year harvest actually occurs.

Prior to the implementation of crab rationalization (CR) ADF&G used the number of vessels preseason registered to set pot limits, evaluate preseason fishery expectations and make onboard observer assignments. The implementation of CR has eliminated the two former functions of the preseason registration process leaving the latter. ADF&G does not believe that assigning observers to vessels in the CR fisheries will be compromised by eliminating the requirement that a person possess a CFEC interim-use permit for that fishery at the time the preseason registration is filed.

Department Comments: ADF&G **SUPPORTS** this proposal because not requiring a CFEC card to preregister will not affect the preseason registration process for this rationalized crab fishery. The regulation cited in the proposal is incorrect. Preseason registration for Bering Sea Tanner crab is addressed in 5 AAC 35.506 (f) Area J Registration, rather than 5 AAC 35.510. Fishing Seasons For Registration Area J.

This proposal is a Federal Fishery Management Plan for Bering Sea/Aleutian Islands King and Tanner Crabs (FMP) Category 3, reporting requirements management measure.

Cost Analysis: ADF&G does not believe that approval of this proposal would result in a direct cost for a private person to participate in this fishery.

PROPOSAL 372 – 5 AAC 39.670. Bering Sea/Aleutian Islands Individual Fishing Quota (IFQ) Crab Fisheries Management Plan.

Proposed By: Alaska Department of Fish and Game.

What Would The Proposal Do? This proposal seeks to clarify the Bering Sea/Aleutian Islands IFQ crab fishery management plan. This proposal also adds two fisheries to the list of rationalized fisheries covered by this management plan, changes the nomenclature used to describe those fisheries, removes references to National Marine Fisheries Service (NMFS) cooperatives for the purpose of gear sharing and clarifies that concurrent species harvest is only allowed for specific Bering Sea fisheries.

What Are The Current Regulations? Current regulation allows vessel operators registered for crab rationalization (CR) fisheries to designate other vessel operators who may also utilize their pot gear. Gear-sharing regulations do not modify existing pot limit or gear marking requirements.

The existing Individual Fishing Quota (IFQ) crab management plan also provides vessel operators in the CR fisheries an opportunity to concurrently harvest Bristol Bay red king crab and Tanner crab, as well as Bering Sea snow crab and Bering Sea Tanner crab.

What Would Be The Effect If The Proposal Were Adopted?

Proposed regulatory language as follows:

5 AAC 39.670. Bering Sea/Aleutian Islands Individual Fishing Quota (IFQ) Crab Fisheries Management Plan.

(b) The following fisheries are covered under the management plan in this section:

(1) Bristol Bay red king crab **(BBR)**;

(2) Aleutian Islands red king crab (west of 179° W. long.) **(WAI)**;

(3) Aleutian Islands golden king crab **(east of 174° W. long.) (EAG)**;

(4) Aleutian Islands golden king crab (west of 174° W. long.) (WAG);

(5) Saint Matthew Island Section blue king crab **(SMB)**;

(6) Pribilof District red and blue king crab **(PIK)**;

(7) Bering Sea [*C. OPILIO* TANNER] **snow** crab **(BSS)**; [AND]

(8) Bering Sea [*C. BAIRDI*] Tanner crab **(east of 166° W. long.) (EBT)**[.]**; and**

(9) Bering Sea Tanner crab (west of 166° W. long.) (WBT).

(c) The following provisions apply to the fisheries specified in this section:

(1) a vessel participating in an Individual Fishing Quota (IFQ), Community Development Quota (CDQ), or the Adak community allocation crab fishery must have on board the vessel an activated vessel monitoring system (VMS) approved by NMFS;

(2) **A vessel operator who is validly registered for one or more of the fisheries list in (b) (1)-(9) of this section may authorize other vessel operators who are validly registered for the same fishery to operate crab pot gear belonging to that vessel** [FOR THE PURPOSES OF THIS SECTION, A CRAB FISHERY COOPERATIVE IS A COOPERATIVE APPROVED BY NMFS BY AUGUST 1 OF EACH YEAR PRECEDING THE FISHING SEASON; DURING A CRAB FISHERY COOPERATIVE],

(A) **Before a vessel operator may operate crab pot gear belonging to another vessel, the registered operator of the pot gear must file a cooperative gear authorization form with the department authorizing other vessels to operate the crab pot gear** [THE MANAGER OF A COOPERATIVE MUST REGISTER THE VESSEL OR VESSELS OPERATING FOR THE COOPERATIVE WITH THE DEPARTMENT BEFORE THE COOPERATIVE BEGINS FISHING];

[(B) A VESSEL MAY PARTICIPATE IN MORE THAN ONE CRAB FISHERY COOPERATIVE AT A TIME;

(C) THE TOTAL NUMBER OF CRAB POTS DEPLOYED BY THE MEMBERS OF A COOPERATIVE MAY NOT EXCEED THE SUM OF THE CRAB POT LIMITS OF ALL VESSELS PARTICIPATING IN THE COOPERATIVE];

(3) each crab pot deployed must bear the ADF&G number of the vessel that registers the crab pot, and if **deployed** in a fishery with a crab pot limit, [THE] **each** pot must bear a buoy tag registered to the vessel registering that pot; in addition,

(A) an active vessel may collectively operate and transport crab pot gear of another registered and active vessel;

(B) when a vessel transports and deploys crab pot gear to the fishing grounds for another vessel, the vessel registered with the crab pot gear must be active in the registration area where the crab pot gear is deployed within seven days of the initial deployment;

(C) repealed 8/28/2005;

(D) a vessel's crab pot gear may not be deployed unless the vessel is actively participating in harvesting the species in the applicable area;

(E) for the purposes of this paragraph, a vessel is considered active in an area by becoming validly registered with the department and by VMS verification of the vessel in the registration area.

(F) A vessel that has completed fishing operations as defined in 5 AAC 39.675 (b) (1)-(2) is not considered active in a registration area;

(4) No provision of this section allows an individual vessel operator to utilize a greater quantity of crab pot gear than authorized elsewhere in 5 AAC 34 and 5 AAC 35;

([4]5) **Vessel operators may only register to harvest EBT and BBR or WBT and BSS concurrently;**

(A) a vessel participating in concurrent fisheries for [BRISTOL BAY RED KING CRAB]**BBR** and [*C. bairdi* Tanner crab]**EBT** may only use one species allocation of crab pot gear (pot limit); the participating vessel operator shall designate at the time of registration the quantity of pot gear registered and whether the crab pot gear is configured for red king crab or [*C. BAIRDI*] Tanner crab;

(B) a vessel participating in concurrent species fisheries for [*C. BAIRDI* TANNER CRAB]**WBT** and [*C. OPILIO* TANNER CRAB]**BSS** may only use one species allocation of crab pot gear (pot limit); the participating vessel operator shall designate at the time of registration the quantity of pot gear registered and whether the crab pot gear is configured for [*C. BAIRDI*] Tanner crab or [*C. OPILIO* TANNER]**snow** crab;

(6) a vessel operator may have a species of king or Tanner crab from an IFQ fishery and king crab from an Adak community allocation fishery or a species of king or Tanner crab from a CDQ fishery on board the vessel at the same time; a vessel operator may not have a species of king or Tanner crab from an IFQ fishery and a species of king or Tanner crab from a non-CDQ or non-IFQ fishery on board the vessel at the same time;

(7) an operator of a vessel participating in an IFQ, CDQ, or Adak community allocation crab fishery in the Bering Sea/Aleutian Islands area must notify the United States Coast Guard at least 24 hours before departing port when carrying crab pot gear;

(8) in addition to the registration requirements specified in 5 AAC 34 and 5 AAC 35, a vessel owner, or owner's agent, shall provide satisfactory proof of a current valid United States Coast Guard Commercial Fisheries Vessel Safety Decal before a registration certificate is issued;

(9) the operator of a vessel designated at the time of registration to operate the crab pot gear of another vessel shall be considered the agent of the vessel registered to operate the crab pot gear.

Background: When the Alaska Board of Fisheries (BOF) first adopted regulations for the CR fisheries in March 2005 it was not clearly understood by either industry or managers how the CR fisheries would operate. Now that the third fishing year under the CR program has nearly been completed a better understanding of actual fishing practices has developed. This proposal was submitted to modify the IFQ management plan in light of new information gained since March 2005.

Initially it was believed that the NMFS cooperative structure would play an important role in how vessel operators chose to collectively operate one another's gear. In practice the NMFS cooperative does not seem to be the primary vehicle that vessel operators use to select fishing partners and individual operators are likely to select fishing partners that are not part of their NMFS cooperative.

The BOF also chose to reference the fisheries managed under this plan in relation to the traditional ADF&G registration areas and fishery designations, rather than the NMFS IFQ designations. Unfortunately this practice has not allowed ADF&G to accurately track fishing activity in some fisheries where ADF&G registration areas and NMFS IFQ designations are not well matched.

The BOF chose to provide vessel operators with the option to harvest Bristol Bay red king crab and Bering Sea Tanner crab, and Bering Sea snow crab and Tanner crab concurrently because the distribution of these species overlaps and retention of the non-targeted species would allow for the commercial sale of legal crabs that might otherwise be discarded. The BOF specifically addressed concurrent retention for these species only because of the distributional overlap and potential for reduced bycatch mortality.

Eliminating references to NMFS cooperatives will make the IFQ management plan easier to understand and aligns state regulations more closely with actual fishing practices. By requiring separate registration for each specific CR fishery such as eastern and western Bering Sea Tanner crab, the department will be able to better track effort in these fisheries. If adopted, this proposal would not modify other aspects of gear operation in the CR fisheries.

Department Comments: ADF&G **SUPPORTS** this staff proposal to update and clarify the IFQ fisheries management plan.

This proposal is a Federal Fishery Management Plan for Bering Sea/Aleutian Islands King and Tanner Crabs (FMP) Category 2, registration areas management measure.

Cost Analysis: ADF&G does not believe that approval of this proposal would result in a direct cost for a private person to participate in this fishery.

PROPOSAL 373 – 5 AAC 35.506. Area J Registration; and 5 AAC 35.525. Lawful Gear For Registration Area J.

Proposed By: Alaska Department of Fish and Game.

What Would The Proposal Do? This proposal would define directed and incidental Tanner crab fishing for the Bering Sea District of Registration Area J based on the predominant species delivered. This proposal would also require a vessel operator participating in a directed Tanner crab fishery to use Tanner crab pot gear. The proposal would clarify the conditions of registration for the concurrent harvest of Bering Sea Tanner crab and Bristol Bay red king crab, or Bering Sea Tanner crab and snow crab. This proposal also clarifies that the harvests of Tanner crab east and west of the stock assessment boundary at 166° W. long. are separate fisheries.

What Are The Current Regulations? Current regulations allow for the simultaneous harvest of Tanner crab and snow crab in the Bering Sea District west of 166º W long., and red king crab and Tanner crab in Registration Area T east of 166º W long. Concurrent harvest of other species is not permitted.

What Would Be The Effect If The Proposal Were Adopted? This proposal would provide clear regulatory guidance to participants on the type of pot gear to be used when harvesting Bering Sea Tanner crab and Bering Sea snow crab or Bristol Bay red king crab concurrently. By requiring harvesters participating in a directed Tanner crab fishery to have at least 50% of their gear configured as Tanner crab pots, bycatch reduction will be maximized and the department will be able to better assess true effort levels.

Proposed regulatory language as follows:

5 AAC 35.506. Area J Registration.

(i) **In the Bering Sea District a vessel operator may register to harvest *C. bairdi* Tanner crab under the following conditions:**

- **(1) West of 166° W. long. in a directed *C. bairdi* Tanner crab fishery, or in an incidental *C. bairdi* Tanner crab fishery while the vessel operator is simultaneously registered for the *C. opilio* snow crab fishery.**
- **(2) East of 166° W. long. in an incidental *C. bairdi* Tanner crab fishery while the vessel operator is simultaneously registered for the Registration Area T red king crab fishery.**
- **(3) In a directed *C. bairdi* Tanner crab fishery occurring between 163° W. long. and 166° W. long.**
- **(4) A vessel operator may not be concurrently registered to harvest *C. bairdi* Tanner crab east and west of 166° W. long.**

[DURING THE FISHING SEASON FOR *C. bairdi* TANNER CRAB, A VESSEL OPERATOR REGISTERED FOR ONLY BRISTOL BAY RED KING CRAB

FISHERIES CONDUCTED EAST OF 168° W. LONG. MAY NOT RETAIN *C. bairdi* TANNER CRAB. A VESSEL OPERATOR REGISTERED TO RETAIN BOTH BRISTOL BAY RED KING CRAB AND *C. bairdi* TANNER CRAB IS RESTRICTED TO FISHING EAST OF 166° W. LONG. A VESSEL OPERATOR MAY REGISTER FOR DIRECTED *C. bairdi* TANNER CRAB FISHING ONLY IN THE WATERS BETWEEN 166° W. LONG, AND 163° W. LONG.]

(j) **For the purposes of this section**

(1) A directed *C. bairdi* Tanner crab fishery means 50% or more of the weight of the landed catch reported on an ADF&G fish ticket consists of *C. bairdi* Tanner crab.

(2) An incidental *C. bairdi* Tanner crab fishery is one in which less than 50% of the weight of the landed catch reported on an ADF&G fish ticket consists of *C. bairdi* Tanner crab.

[A VESSEL OPERATOR MAY REGISTER TO, AT THE SAME TIME, FISH FOR AND RETAIN *C. OPILIO* AND *C. BAIRDI* TANNER CRAB WEST OF 166° W. LONG.]

5 AAC 35.525 (c) (4). Lawful Gear for Registration Area J.

(C) in a directed *C. bairdi* Tanner crab fishery as defined in 5 AAC 35.506 (j) (1) no less than 50% of the pots registered to a vessel may be configured for *C. bairdi* Tanner crab.

Background: Current regulations have caused confusion as to how a vessel operator may fish for Tanner crab using Tanner, snow or red king crab pot gear and have allowed vessel operators to target Tanner crab with pot gear designed for snow crab. The intent of regulations adopted in March 2005 to allow incidental harvest of Tanner crab with either red king crab or snow crab was to allow for the retention of those legal animals that would typically be discarded as bycatch in fisheries where two species overlap.

The requirement that at least 50% of the pots used in a directed Tanner crab fishery be configured as Tanner crab pots would be difficult to enforce if pot limits are repealed as requested by proposals 376 and 377. Because both processors and harvesters show reluctance in operating with the small quantities of Tanner crab that are typically harvested incidental to Bristol Bay red king and Bering Sea snow crab (only 11% of the 2006/07 eastern Bering Sea total allowable catch was harvested while the Bristol Bay red king fishery was open) and the associated difficulties concurrent harvesting causes ADF&G in tracking and monitoring the fishery, the BOF may wish to consider eliminating concurrent harvest of Tanner crab with Bristol Bay red and Bering Sea snow crab.

Department Comments: ADF&G **SUPPORTS** this staff proposal.

This proposal is a Federal Fishery Management Plan for Bering Sea/Aleutian Islands King and Tanner Crabs (FMP) Category 2, registration areas management measure.

Cost Analysis: ADF&G does not believe that approval of this proposal would result in a direct cost for a private person to participate in this fishery.

PROPOSAL 374 – 5 AAC 39.670 (c)(3)(A). Bering Sea/Aleutian Islands Individual Fishing Quota (IFQ) Crab Fisheries Management Plan.

Proposed By: Alaska Crab Coalition

WHAT WOULD THE PROPOSAL DO? This proposal would allow the operator of a vessel registered for a crab rationalization (CR) fishery to transfer gear operation rights upon completion of fishing to the operator of another vessel registered for the same fishery.

What Are The Current Regulations? Current regulations allow a vessel operator in a CR fishery to authorize other registered vessels to operate registered pot gear, thereby allowing for the sharing of crab pot gear. Crab pot gear may not be unattended by the registered operator of the gear for more than 14 days and the vessel that the gear is registered to must be active in the registration area when gear is deployed.

What Would Be The Effect If The Proposal Were Adopted? Vessels completing fishing could legally transfer gear to another vessel operator. It is unclear from the proposal how this gear would fit into the existing crab pot limits.

Background: In March 2005 regulations were developed to allow for gear sharing in the CR fisheries. The discussion at that time was focused on the belief that gear sharing was needed as a safety and economic efficiency measure. It was postulated at that time that larger vessels would transport gear to the fishing grounds for smaller vessels at the beginning of fishing operations. The existing regulations were developed with that concept in mind and little discussion was devoted to operation of gear later in the season after a vessel had completed fishing operations and left the grounds. In practice, most of the gear sharing that occurs during the CR fisheries takes place after a vessel has completed fishing operations and leaves gear on the grounds for partner boats to operate and retrieve.

Department Comments: ADF&G is **OPPOSED** to this proposal as it is written. ADF&G supports the concept of gear sharing by vessel operators in the CR fisheries because of the potential conservation and efficiency benefits, but is concerned about legal responsibility for shared gear. The concern also exists that if a vessel operator becomes responsible for large amounts of gear then some of the gear that is widely dispersed on the grounds, or performing poorly may be neglected and not operated in a timely manner. The amount of broadly dispersed gear that a person is able to operate effectively is of particular importance when sea ice is present on the fishing grounds. If an affidavit or some other method of legal gear transfer clearly indicating who is responsible for shared gear is developed in conjunction with the concerns of the Department's of Law and Public Safety, and limits placed on the amount of gear that could be shared and tended in a timely manner then ADF&G's concerns would be addressed. ADF&G believes that a single vessel operator should not be responsible for more than the current pot limit of 450 pots. The 450 pot limit was established as the maximum number of pots a vessel operator

could responsibly operate without undue gear loss or overly long soak times that could reduce the viability of bycatch crabs.

This proposal is a Federal Fishery Management Plan for Bering Sea/Aleutian Islands King and Tanner Crabs (FMP) Category 3, gear placement and removal management measure.

Cost Analysis: ADF&G does not believe that approval of this proposal would result in a direct cost for a private person to participate in this fishery.

PROPOSAL 375 – 5 AAC 39.675. Crab Pot Gear Storage For Bering Sea/Aleutian Islands IFQ, CDQ, and Adak Community Allocation Crab Fisheries.

Proposed By: Alaska Department of Fish and Game

What Would The Proposal Do? This proposal clarifies that crab pot gear in the crab rationalization (CR) fisheries may not be left unattended for more than 14 days by the person who registers that gear. The proposal also explains vessel check out procedures for the CR fisheries.

What Are The Current Regulations? Current regulations allow pot gear in the CR fisheries to be stored unbaited with doors secured open for up to 14 days following completion of fishing in a registration area. If the registered operator of that gear is absent from the registration area for more than 14 days the gear must be removed from the water or placed in long-term storage. Vessel operators must check out of the fishery within 72 hours of completing fishing operations.

What Would Be The Effect If The Proposal Were Adopted?

Proposed regulatory language as follows:

5 AAC 39.675. Crab Pot Gear Storage For Bering Sea/Aleutian Islands IFQ, CDQ, and Adak Community Allocation Crab Fisheries.

(a) Notwithstanding any other provision of 5 AAC 34 - 5 AAC 35, king and Tanner crab pots may be stored outside of a designated storage area specified in 5 AAC 34.052 and 5 AAC 35.052 with all bait and bait containers removed and doors secured fully open for up to 14 days following the completion of fishing **operations** in a registration area. King and Tanner crab pots must be removed from the water or placed in long-term storage if left unattended **for 14 days or longer by the registered operator of the vessel whose ADF&G number is on the buoy of the pot gear.** [IN A REGISTRATION AREA] FOR LONGER THAN 14 DAYS. BEFORE A VESSEL IS ABSENT FROM THE REGISTRATION AREA FOR MORE THAN 14 DAYS, THE CRAB POT GEAR BELONGING TO THAT VESSEL MUST BE REMOVED FROM THE WATER OR PLACED IN LONG-TERM STORAGE. A VESSEL OPERATOR SHALL NOTIFY THE DEPARTMENT WITHIN 72 HOURS OF COMPLETING FISHING OPERATIONS IN A REGISTRATION AREA OR WHEN DEPARTING THE REGISTRATION AREA, AND WHEN GEAR IS MOVED TO LONG-TERM STORAGE. A VESSEL'S REGISTRATION IS INVALID AFTER 14 DAYS OF INACTIVITY IN A REGISTRATION AREA.]

(b) For the purposes of this section a vessel is deemed to have completed fishing operations if at least one of the following has occurred:

> **(1) The vessel operator contacts the department to invalidate the vessel registration for that species and registration area. This notification must occur within 72 hours of last operating pot gear in the registration area;**

(2) The pot gear belonging to that vessel is removed from the water or placed into long-term storage.

Background: In March 2005, the BOF adopted new regulations governing crab pot gear storage in the CR fisheries. The gear storage regulation was designed to allow for temporary deep-water gear storage while minimizing concerns over lost gear, grounds pre-emption and unattended gear during the lengthened fishing seasons permitted under the rationalization program. The regulation as written contains vague wording and terms that are not well defined.

Department Comments: ADF&G **SUPPORTS** this staff proposal. The proposal is largely housekeeping in nature and does not modify the operational intent of regulations governing crab pot gear storage during the CR fisheries originally adopted by the BOF in March 2005.

This proposal is a Federal Fishery Management Plan for Bering Sea/Aleutian Islands King and Tanner Crabs (FMP) Category 3, gear placement and removal management measure.

Cost Analysis: ADF&G does not believe that approval of this proposal would result in a direct cost for a private person to participate in this fishery.

PROPOSAL 376 – 5 AAC 35.525 Lawful Gear For Registration Area J (c)(4)(A&B).; and 5 AAC 35.526 Tanner Crab Pot Marking Requirements For Registration Area J (a-c).

Proposed By: Alaska Crab Coalition

What Would The Proposal Do? This proposal seeks to repeal pot limits and buoy tag requirements for the Bering Sea Tanner and snow crab fisheries.

What Are The Current Regulations? Current regulations allow a vessel operator registered for either the Bering Sea snow crab or Bering Sea Tanner crab fishery to operate up to 450 pots for each fishery. A buoy on each pot must bear an ADF&G buoy tag for that fishery and year. Regulation also allows vessel operators to share gear with other vessel operators.

What Would Be The Effect If The Proposal Were Adopted? Pot limits would be rescinded in the Bering Sea snow and Tanner crab fisheries.

Background: Pot limits for Bering Sea crab fisheries were established by the Alaska Board of Fisheries (BOF) in 1992 and were implemented to lengthen fast-paced, short duration fisheries, and to limit gear loss that could result in ghost fishing. Subsequently the pot limits were modified to provide the department with greater management flexibility and to provide the industry with the maximum possible harvest opportunity at smaller harvest levels. The implementation of crab rationalization (CR) in 2005 eliminated the need for pot limits as an inseason management tool and in response the BOF increased pot limits in the major CR fisheries to 450 per vessel. The 450 pot per vessel level was established as the maximum number of pots a vessel operator could be expected to operate without undue gear loss or overly long soak times that could reduce the viability of bycatch crabs. In the first two CR snow and Tanner crab fisheries, the average vessel has used less than 180 pots per season.

The current pot limit for Bering Sea snow crab and Bering Sea Tanner crab fisheries do not appear to constrain vessel operators in their ability to harvest the available quota. Pot limits may contribute to reduced gear loss and efficient gear operation and release of bycatch crabs. Eliminating pot limits could make it difficult for the department to effectively document fishing effort and track gear usage in the fishery.

Department Comments: ADF&G is **OPPOSED** to this proposal. If pot limits are repealed, proposal 373 submitted by staff for concurrent western Bering Sea Tanner crab harvest during the Bering Sea snow crab fishery would be unenforceable. If concurrent fishing for Western Bering Sea Tanner crab during the Bering Sea snow crab fishery were eliminated then this concern would be alleviated.

This proposal is a Federal Fishery Management Plan for Bering Sea/Aleutian Islands King and Tanner Crabs (FMP) Category 2, pot limits management measure.

Cost Analysis: If adopted this proposal would not result in increased costs for a person to participate in this fishery.

PROPOSAL 377 – 5 AAC 34.825. Lawful Gear For Registration Area T (h); 5 AAC 34.826 King Crab Pot Marking Requirements For Registration Area T (a); and 5 AAC 34.051 King Crab Gear Marking Requirements (b)(c).

Proposed By: Alaska Crab Coalition

What Would The Proposal Do? This proposal seeks to repeal the pot limit and buoy tag requirement for the Bristol Bay red king crab fishery.

What Are The Current Regulations? Current regulations allow a vessel operator registered for the Bristol Bay red king crab fishery to operate up to 450 pots. A buoy on each pot must bear an ADF&G buoy tag.

What Would Be The Effect If The Proposal Were Adopted? The pot limit would be rescinded in the Bristol Bay red king crab fishery.

Background: Pot limits for Bering Sea crab fisheries were established by the Alaska Board of Fisheries (BOF) in 1992 and were implemented to lengthen fast-paced, short duration fisheries, and to limit gear loss that could result in ghost fishing. Subsequently the pot limits were modified to provide ADF&G with greater management flexibility and to provide the industry with the maximum possible harvest opportunity at smaller harvest levels. The implementation of crab rationalization (CR) in 2005 eliminated the need for pot limits as an inseason management tool and in response the BOF increased pot limits in the major CR fisheries to 450 per vessel. The 450 level was established as the maximum number of pots a vessel operator could responsibly operate without undue gear loss or overly long soak times that could reduce the viability of bycatch crabs. In the first two CR Bristol Bay red king crab fisheries, the average vessel has used less than 190 pots per season.

The current pot limit for Bristol Bay red king crab does not appear to constrain vessel operators in their ability to harvest the available quota. Pot limits may contribute to reduced gear loss and efficient gear operation and release of bycatch crabs. Eliminating pot limits could make it difficult for the department to effectively document fishing effort and track gear usage in the fishery.

Department Comments: ADF&G is **OPPOSED** to this proposal. If concurrent fishing for Eastern Bering Sea Tanner crab during the Bristol Bay red king crab fishery were eliminated then this concern would be alleviated.

This proposal is a Federal Fishery Management Plan for Bering Sea/Aleutian Islands King and Tanner Crabs (FMP) Category 2, pot limits management measure.

Cost Analysis: If adopted this proposal would not result in increased costs for a person to participate in this fishery.

PROPOSAL 378 – 5 AAC 34.825. Lawful Gear for Registration Area T (h).

Proposed By: Alaska Crab Coalition

What Would The Proposal Do? This proposal would allow a validly registered vessel operator for the Bristol Bay red king crab fishery to configure up to 20 of their registered pots as groundfish pots.

What Are The Current Regulations? Current regulations allow a validly registered vessel operator for the Bristol Bay red king crab fishery to operate up to 450 red king crab pots; groundfish pots are not allowed in the Bristol Bay red king crab fishery.

A groundfish pot tunnel-eye-opening perimeter is 36 inches or less. A red king crab pot tunnel-eye-opening is more than 36 inches with any one dimension no less than 5 inches.

What Would Be The Effect If The Proposal Were Adopted? Vessel operators could configure up to 20 pots to catch hanging bait for use in their crab fishing operations.

Background: In March 1999 the BOF adopted a regulation allowing a person registered for the Bering Sea snow crab and Bering Sea Tanner crab fisheries to configure up to 20 of their pots as groundfish pots for the purpose of catching bait for use in those crab fisheries. The BOF considered extending this privilege to participants in the Bristol Bay red king crab fishery, but did not do so because at that time the Bristol Bay red king crab fishery was less than seven days in length and there was no need to catch extra bait on the grounds, inseason. The Bristol Bay red king crab fishery is currently three months in length.

Department Comments: ADF&G is **NEUTRAL** on this proposal. The proposal has the potential to provide some economic benefit to participants, and does not appear to provide increased management or conservation concerns relative to current regulations.

This proposal is a Federal Fishery Management Plan for Bering Sea/Aleutian Islands King and Tanner Crabs (FMP) Category 2, gear modifications management measure.

Cost Analysis: If adopted this proposal would not result in increased costs for a person to participate in this fishery.

PROPOSAL 379 – 5 AAC 34.053. Operation of other Pot Gear (2).

Proposed By: Derwin H. Hostetler III

What Would The Proposal Do? This proposal would allow a validly registered vessel operator for the Bristol Bay red king crab fishery to configure up to 20 of their pots as groundfish pots.

What Are The Current Regulations? Current regulations allow a vessel operator for the Bristol Bay red king crab fishery to only operate red king crab pots.

What Would Be The Effect If The Proposal Were Adopted? Vessel operators could configure up to 20 pots to catch hanging bait for use in their crab fishing operations.

Background: In March 1999 the BOF adopted a regulation allowing a person registered for the Bering Sea snow crab and Bering Sea Tanner crab fisheries to configure up to 20 of their pots as groundfish pots for the purpose of catching bait. The BOF considered extending this privilege to participants in the Bristol Bay red king crab fishery, but did not do so because at that time the Bristol Bay red king crab fishery was less than seven days in length and there was no need to catch extra bait on the grounds, inseason. The Bristol Bay red king crab fishery is currently three months in length.

Department Comments: ADF&G is **NEUTRAL** on this proposal. The proposal has the potential to provide some economic benefit to participants, and does not appear to provide increased management or conservation concerns relative to current regulations.

This proposal is a Federal Fishery Management Plan for Bering Sea/Aleutian Islands King and Tanner Crabs (FMP) Category 2, gear modifications management measure.

Cost Analysis: If adopted this proposal would not result in increased costs for a person to participate in this fishery.

PROPOSAL 380 – 5 AAC 34.910. Fishing Seasons for Registration Area Q (b)(1).

Proposed By: Alaska Crab Coalition

What Would The Proposal Do? This proposal seeks to develop management measures for red king crab in the Pribilof District to allow for a commercial fishery opening.

What Are The Current Regulations? Pribilof District red king crabs are included in the crab rationalization program thus all harvest is regulated by individual fishing quota (IFQ) or community development quota (CDQ). Vessel operators are restricted to no more than 250 pots each and each vessel registered for the fishery must carry an onboard shellfish observer. There is no regulatory harvest strategy in place for red king crab.

What Would Be The Effect If The Proposal Were Adopted? Development of a management plan that allows for the harvest of Pribilof District red king crab, and protects the Pribilof District blue king stock.

Background: The Pribilof District red and blue king crab fisheries have been closed since 1999. The Pribilof District fishery for blue king crabs was closed in 1999 due to a declining abundance trend, low level of prerecruits, low precision of abundance estimates, and poor fishery performance in the preceding two seasons. The stock has continued to decline and was federally-classified as overfished in 2002. Although a rebuilding plan was implemented for the blue king crab stock and the fishery has remained closed, the blue king crab stock remains in seriously depressed condition.
The red king crab fishery was closed from 1984 through 1992. A red king crab fishery in the Pribilof District was opened in 1993, when survey results indicated a marked increase in abundance and fishing for red king crab continued through the 1998 season. The Pribilof District was closed to red king crab fishing for the 1999 season due to the poor precision of the abundance estimates, poor fishery performance in the preceding seasons, and concerns for bycatch of blue king crab. The red king crab fishery has remained closed through the 2007/08 season due to poor precision of abundance estimates and continued concerns for bycatch of blue king crab.

Estimates of red king crab abundance in the Pribilof District are highly variable from one year to the next and tend to lack precision, often with confidence intervals of greater than ± 50% of the model point estimate. In 2007, mature biomass increased 18% from the 2006 estimate, but the abundance estimate of mature males is among the lowest on record. ADF&G estimated abundance of legal male red king crab in the Pribilof District to be 0.77-million crabs. However, precision of that estimate is poor and the confidence interval for the true abundance of legal males ranges from only 0.28-million crabs up to 1.26-million crabs. Survey data indicate that future recruitment to the mature and legal size classes will be poor. Red king crab distribution is patchy and pot surveys indicate that red and blue king crabs are often caught in the same areas suggesting that a fishery targeting red king crab would likely have a high bycatch of blue king crabs as well.

Additional management measures for red king crab would need to be evaluated in terms of the new federal overfishing definitions for both the red king crab and blue king crab stocks of the Pribilof District. Crab rationalization has reduced some of the flexibility in management of this fishery. Under rationalization, a total allowable catch (TAC) for the fishery is established preseason and distributed to the fleet as quota shares, thereby constraining ADF&G's ability to make inseason adjustments that would reduce the harvest level below the TAC.

Department Comments: Because of the lack of specificity in management measures ADF&G does not take a firm position on this proposal; however, ADF&G opposes any management measure that would negatively impact the overfished Pribilof District blue king crab stock or that would risk overfishing Pribilof red king crab. Additionally, since Pribilof blue king crab are under a Federal rebuilding plan, any management measures that may increase the bycatch of this stock would need to be analyzed to ensure they do not jeopardize its rebuilding.

This proposal is a Federal Fishery Management Plan for Bering Sea/Aleutian Islands King and Tanner Crabs (FMP) Category 2, inseason adjustments and closed waters management measure.

Cost Analysis: If adopted this proposal would not result in increased costs for a person to participate in this fishery.

PROPOSAL 381 – 5 AAC 34.917. Saint Matthew Island Section Blue King Crab Harvest Strategy (a)(2).

Proposed By: Alaska Crab Coalition

What Would The Proposal Do? This proposal seeks to reduce or repeal the minimum total allowable catch (TAC) threshold required to open the Saint Matthew Island Section blue king crab fishery.

What Are The Current Regulations? Current regulations require that a minimum TAC threshold of 2.5 million pounds (not including the CDQ fishery) be met prior to opening the Saint Matthew Island Section blue king crab fishery.

What Would Be The Effect If The Proposal Were Adopted? The minimum TAC would be repealed or reduced. This action could impact the rebuilding schedule for this stock which is currently classified as overfished.

Background: Minimum TACs for Bering Sea crab fisheries were originally implemented to assure adequate data collection to base inseason management decisions. With the implementation of crab rationalization, traditional inseason management is no longer conducted as permit holders have an individual fishing quota (IFQ).

The Saint Matthew Island Section blue king crab fishery has been closed since 1998 and the stock was federally-declared overfished in 1999. A rebuilding plan was developed after the overfishing declaration and is still in effect. The minimum TAC was analyzed as part of the rebuilding plan. In the analysis, the minimum TAC was determined to be an important factor in reducing the amount of time needed to rebuild the stock.

Stock status of Saint Matthew Island Section blue king crabs has improved during the last several years, but has not met levels needed to reopen the fishery. If the current recruitment trend continues, the minimum TAC may be met by 2009.

Department Comments: ADF&G is **OPPOSED** to this proposal. Eliminating or lowering the minimum TAC for Saint Matthew Island Section blue king crab could impede rebuilding of the stock. The St. Matthew Island blue king crab harvest strategy needs to be evaluated in terms of the new overfishing definition.

This proposal is a Federal Fishery Management Plan for Bering Sea/Aleutian Islands King and Tanner Crabs (FMP) Category 2, GHL management measure.

Cost Analysis: If adopted this proposal would not result in increased costs for a person to participate in this fishery.

COMMITTEE B – Aleutian Islands, Kodiak and Norton Sound King and Tanner Crab (12 Proposals)

PROPOSAL 382 – 5 AAC 39.145. Escape Mechanism for Shellfish and Bottomfish Pots.

Proposed By: Linda Kozak

What Would The Proposal Do? This proposal seeks to increase the thread count from 30 to 120 thread biodegradable cotton, utilized as escape mechanism in golden king crab pots in the Aleutian Islands.

What Are The Current Regulations? Statewide regulation requires that king crab pots must have an 18 inch long opening secured by a single length of 100 percent cotton, 30-thread twine, located on a side-wall within six inches of the bottom of the pot. The breakdown of this twine is designed to reduce crab mortality from ghost fishing by creating an opening in the web of lost pots allowing crabs to escape.

What Would Be The Effect If The Proposal Were Adopted? Participants in the Aleutian Islands golden king crab fishery would be allowed to use higher thread-count biodegradable cotton twine in the escape mechanisms of pots. Lost pots would continue to ghost fish for greater periods of time, potentially increasing crab mortality.

Background: Aleutian Islands golden king crabs are fished in waters approximately 150 to 300 fathoms in depth. Because of the strong currents and high relief bathymetry in the Aleutian Islands, the pots must be longlined to reduce gear loss.

With the implementation of crab rationalization fleet size has decreased, though average pots deployed per vessel has increased substantially. In the eastern Aleutian Islands, the average number of pots deployed per vessel during rationalized golden king crab fisheries has nearly doubled compared to the number of pots utilized per vessel pre-rationalization.

Table 1.- Average pots deployed per vessel in the eastern and western Aleutian Islands golden king crab fishery from the 2000/01 to the 2006/07 seasons.

Fishery Season	Eastern Aleutian Islands Average Pots / Vessel	Western Aleutian Islands Average Pots / Vessel
2000/01	707	743
2001/02	680	943
2002/03	623	1,038
2003/04	695	1,190
2004/05	693	1,230
Average	**680**	**1,029**
2005/06*	1,232	1,600
2006/07*	1,358	2,000
Average	**1,295**	**1,800**

* Rationalized season

Average pot soak time for both the eastern Aleutian Islands and western Aleutian Islands golden king crab fisheries has increased considerably from the pre-rationalization level (through 2004/05) to the first rationalized 2005/06 fishery, and then lowered slightly during the second rationalized season in 2006/07.

Table 2.- Average soak times in hours and days in the eastern and western Aleutian Islands golden king crab fishery from the 2000/01 to the 2006/07 seasons.

Fishery Season	Eastern Aleutian Islands		Western Aleutian Islands	
	Soak Time (hours)	Soak Time (days)	Soak Time (hours)	Soak Time (days)
2000/01	110.9	4.6	230.2	9.7
2001/02	105.6	4.4	294.9	12.3
2002/03	97.7	4.1	290.6	12.1
2003/04	97.0	4.0	321.6	13.4
2004/05	88.2	3.7	278.9	11.6
Average	**99.9**	**4.2**	**283.2**	**11.8**
2005/06*	340.2	14.2	580.9	24.2
2006/07*	277.8	11.6	456.3	19.0
Average	**309.0**	**12.9**	**518.6**	**21.6**

*****Rationalized season

Lost pot data available from the two rationalized Aleutian Islands golden king crab seasons (2005/06 and 2006/07) indicate that of the total pots registered to harvest golden king crab, 1.77% and 1.44% respectively were lost for both east and west areas.

The implementation of crab rationalization has allowed vessel operators to fish at their own pace to harvest their individual fishing quota (IFQ). This has led to an increase in the average soak time during the rationalized fishery. Crab observer data indicates that Aleutian Islands golden king crab pot soak time varies considerably among participants,

and for some, the average pot soak time varies considerably over the course of the fishing season.

While research on degradation of 120-thread cotton twine under fishing conditions is limited, research on the degradation of 120-thread cotton twine in sea-water showed that even after 115 days the thread had not degraded enough to break.

Crab observer-collected data on time-to-failure for 30-thread twine used in the Aleutian Islands golden king crab fisheries indicate the mean time-to-failure is between 39 days and 49 days. Additional studies on the rates of biodegradation conducted in Kodiak found 30-thread cotton twine was still intact after soak time of 77 days and retained 4-14% of its original maximum strength. The same study indicated that the biodegradable twines in the crab fishery failed at 28-69% of their maximum strength, presumably due to forces involved in pot retrieval. Lost pots would not be subjected to these forces and total degradation of the 30-thread twine could take over 100 days.

Due to the nature of longlined crab pot gear and the environment where these pots are being utilized, the department is concerned that an increase in thread-count of the biodegradable cotton twine utilized in the escape mechanisms of groundfish and shellfish pots may cause greater mortality to crab and groundfish from lost pots.

DEPARTMENT COMMENTS: ADF&G **OPPOSES** increasing the thread-count of biodegradable cotton twine utilized in escape mechanisms in crab and groundfish pots.

This proposal is a Federal Fishery Management Plan for Bering Sea/Aleutian Islands King and Tanner Crabs (FMP) Category 3, gear modifications management measure.

Cost Analysis: If adopted, this proposal may result in additional direct costs to the participants for those opting to utilize the larger thread count biodegradable cotton twine.

PROPOSAL 383 – 5 AAC 34.xxx. New Section.

Proposed By: Bing Henkel

What Would The Proposal Do? This proposal seeks to increase the harvest level for Aleutian Islands golden king crab.

What Are The Current Regulations? There is no regulatory harvest strategy for the Aleutian Islands golden king crab stocks. Annual harvest levels have been set preseason at 3.0 million pounds for the area east of 174° W long (eastern Aleutian Islands), and at 2.7 million pounds for the area west of 174° W long. (western Aleutian Islands), since the 1998/99 season. The total allowable catch (TAC) is set annually after a review of available commercial fishery and observer data. A portion of the stock is surveyed triennially.

What Would Be The Effect If The Proposal Were Adopted? Harvest levels in the Aleutian Islands golden king crab fishery would be increased above the status quo harvest levels of 3.0 million pounds east of 174° W long., and 2.7 million pounds west of 174° W long.

Background: Prior to the 1996/97 season, the Aleutian Islands king crab fisheries were managed as two distinct areas: the Dutch Harbor Area (east of 171° W longitude) and the Adak Area (west of 171° W longitude). In 1996, the BOF noted that the management boundary at 171° W longitude apparently bisected a single stock of golden king crab. At that meeting, BOF combined the Dutch Harbor and Adak Areas into a single management area. The BOF also directed ADF&G to conservatively manage golden king crab, east and west of 174° W longitude, based on distribution, as two distinct stocks. Prior to combining the two management areas, the Dutch Harbor Area had been managed on the basis of fishery performance with the historic average landings providing an informal harvest guideline. The Adak Area was formerly managed under a size-sex-season (3-S) policy.

Lacking population abundance estimates and a population assessment model, the 1996/97 season GHL for the areas east and west of 174º W longitude were established by using the average of annual harvests for the previous five seasons as an estimate of a sustainable annual harvest. After a minor adjustment to the GHL for the area east of 174º W longitude prior to the 1998/99 season, the status quo harvest levels of 3.0-million pounds for the area east of 174º W longitude and 2.7-million pounds for the area west of 174º W longitude have been in effect.

From the 1996/97 season through the 2004/05 season, the number of vessels participating in the Aleutian Islands golden king crab fisheries east of 174° W longitude increased from 14 in 1996/97 to 19 in 2004/05. The number of vessels participating in the fishery west of 174° W longitude fluctuated, ranging from 3 to 17 vessels during a given season. Over the same time period the fishing season length declined from 115 days to 14 days east of 174° W long., and from 365 days to 141 days west of 174° W longitude.

With the implementation of crab rationalization, the 2005/06 and 2006/07 Aleutian Islands golden king crab seasons have seen dramatic changes in terms of vessel participation, number of pots registered and season length. Total number of vessels participating dropped from an average of 21 vessels over the five seasons preceding rationalization to eight vessels participating in the first two rationalized seasons. The overall number of pots registered decreased from the season preceding the rationalized fisheries (2004/05) to the first rationalized season (2005/06) by 33% however, the overall average number of pots per vessel increased from 928 in 2004/05 to 1,704 in 2005/06.

Only a small portion of the area in which golden king crabs are commercially important is currently surveyed. The survey occurs every three years.

Relative abundance indicators (legal male catch per unit of effort or CPUE) may fluctuate from one year to the next. However, what those fluctuations mean in terms of true stock abundance can not be determined for these unsurveyed stocks without an assessment model or a more comprehensive survey. Interpreting changes in CPUE have become more difficult with the recent rationalization of these fisheries. Since crab rationalization was implemented, fewer vessels are participating in the fisheries. In the eastern and western Aleutian Islands soak time has increased allowing more time for escape mechanisms to permit small crab to exit. The longer soak time may be contributing to the lower CPUE of both female and sublegal male crabs, and the higher CPUE of legal male crab. However, with only two years of observer data during rationalized fisheries and observer coverage requirements being lowered with the implementation of rationalization, the department lacks data to determine what the recently observed temporal and spatial harvest patterns under rationalization mean in relation to stock abundance trends.

The department's stated position prior to endorsing crab rationalization for unsurveyed stocks was that TACs should be set conservatively because inseason closures prior to reaching the TAC may not occur. The TACs should be attainable without impacts to the sustainability of the fishery. The status quo harvest levels established prior to the 1998/99 season have been shown to be sustainable through the 2006/07 season.

It is not clear, however, what harvest level above the status quo would be sustainable. Status quo harvest levels and any change from the status quo harvest levels need to be evaluated in terms of the new federal overfishing definition for the Aleutian Islands stock. Until an assessment model is developed that can provide abundance estimates and from which a harvest strategy can be developed, staff recommends that the department continue to annually assess the sustainability of the status quo TACs using all available data prior to establishment of the TACs. Staff recommends that any consideration of raising the TAC above the status quo await development and adoption of an assessment model and of a formal harvest strategy that can be applied to abundance estimates. The overfishing catch limit set by the new overfishing definitions also needs to be considered before raising the TAC.

Department Comments: ADF&G is **OPPOSED** to changing the current harvest levels for the Aleutian Islands golden king crab until an assessment model is developed that can provide abundance estimates and from which a harvest strategy can be developed.

This proposal is a Federal Fishery Management Plan for Bering Sea/Aleutian Islands King and Tanner Crabs (FMP) Category 2, GHL management measure.

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

PROPOSAL 384 – 5 AAC 39.675. Crab Pot Gear Storage For Bering Sea/Aleutian Islands IFQ, CDQ, and Adak Community Allocation Crab Fisheries.

Proposed By: Linda Kozak

What Would The Proposal Do? This proposal seeks to extend the time allowed for a vessel in the Aleutian Islands golden king crab fishery to leave baited pot gear unattended and fishing.

What Are The Current Regulations? Current regulations state that pot gear may not be left unattended for more than 14 days in an area unless unbaited and placed in legal storage.

What Would Be The Effect If The Proposal Were Adopted? Vessels operators would be able to leave baited gear fishing on the grounds for up to 45 days without being present on the grounds.

Background: The 14 day limit, for unattended gear, was placed into regulation with the implementation of crab rationalization. After 14 days of being inactive in an area, a vessel's registration is invalidated. The intent of the fourteen day time period was to allow a vessel to leave baited gear on the grounds while in port delivering, with the intent to immediately return to the registration area and continue harvesting and tending their pot gear.

According to 5 AAC 39.675, all gear in a rationalized fishery must be removed from the water or placed in long-term storage if left unattended in a registration area for longer than 14 days. Before a vessel is absent from the registration area for more than 14 days, the crab pot gear belonging to that vessel must be removed from the water or placed in long-term storage. With the advent of crab rationalization with greatly lengthened fishing seasons and individual fishing quotas which may be harvested at the fisherman's own pace, ADF&G was concerned with fishing gear being left unattended for long time periods. Gear left unattended could be subject to loss resulting in ghost fishing and increased mortality of crab and groundfish.

Department Comments: ADF&G is **OPPOSED** to extending the crab pot gear storage regulation to greater than 14 days.

This proposal is a Federal Fishery Management Plan for Bering Sea/Aleutian Islands King and Tanner Crabs (FMP) Category 3, gear placement and removal management measure.

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

PROPOSAL 385 – 5 AAC 35.xxx. Eastern Aleutian District Tanner Crab Harvest Strategy.

Proposed By: Alaska Department of Fish and Game

What Would The Proposal Do? This proposal seeks to establish a regulatory harvest strategy for the Eastern Aleutian District Tanner crab fishery.

What Are The Current Regulations? There is no regulatory harvest strategy for Eastern Aleutian District Tanner crab fishery.

What Would Be The Effect If The Proposal Were Adopted? The harvest strategy currently used by ADF&G to manage the fishery would be placed into regulation.

Proposed regulatory language as follows:

5 AAC 35.xxx EASTERN ALEUTIAN DISTRICT TANNER CRAB HARVEST STRATEGY.

(a) In the Eastern Aleutian District, a commercial Tanner crab fishery may open only if analysis of preseason survey data indicates that the subject population:

(1) meets or exceeds the threshold level of mature male abundance specified in (b) of this section, which is one-half the long-term average of mature male abundance; and

(2) in a section of the Eastern Aleutian District, is sufficient to provide a guideline harvest level of 35,000 pounds or more as calculated under (d) of this section.

(b) The threshold levels of mature male abundance, in numbers of crab, for the following sections of the Eastern Aleutian District are:

(1) Akutan Section	**200,000**
(2) Unalaska/Kalekta Bay Section	**65,000**
(3) Makushin/Skan Bay Section	**45,000**

(c) In the Eastern Aleutian District,

(1) the registration deadline is 5:00 p.m. December 24.

(2) the vessel operator must register with the department before fishing in any of the sections and may not be simultaneously registered to fish in more than one section at a time.

(3) the commissioner may close, by emergency order, any section based on fishery performance.

(d) If the commercial Tanner crab fishery in the Eastern Aleutian District is opened under (a) of this section and the threshold level of mature male abundance

(1) is equal to or less than the long-term average of mature male abundance, the guideline harvest level will be no more than 10 percent of the molting

mature male abundance and no more than 30 percent of the legal size male abundance;

(2) exceeds the long-term average of mature male abundance, the guideline harvest level will be no more than 20 percent of the molting mature male abundance and no more than 30 percent of the legal size male abundance.

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

(f) Nothing within this section prohibits the department from opening a commercial fishery for Tanner crab in the General Section of the Eastern Aleutian District if preseason survey results indicate that a harvestable surplus of Tanner crab is available and harvest rate would not exceed 20% of the molting mature male abundance or 30 percent of the legal male abundance.

(g) The long-term average of mature male abundance, in numbers of crab, for each of the following sections of the Eastern Aleutian District are:

(1) Akutan Section	**400,000**
(2) Unalaska/Kalekta Bay Section	**130,000**
(3) Makushin/Skan Bay Section	**90,000**

(h) For the purposes of this section

(1) "long-term average of mature male abundance" means the long-term average of the estimated abundance of male Tanner crab greater than 114 millimeters in carapace width:

(2) "molting mature male abundance" means the estimated abundance of 100 percent of newshell, and 15 percent of oldshell Tanner crab that are more than 114 millimeters in carapace width.

Background: Since 2004 ADF&G has managed the Eastern Aleutian District Tanner crab fishery based on principles contained in the proposed regulatory harvest strategy.

Department Comments: This is a staff proposal. ADF&G **SUPPORTS** having a regulatory harvest strategy for the Eastern Aleutian District Tanner crab stock.

The proposal as submitted had the phrase "mature male" inadvertently omitted from subsection (d). The proposed regulatory language above contains this addition to subsection (d).

This proposal is a Federal Fishery Management Plan for Bering Sea/Aleutian Islands King and Tanner Crabs (FMP) Category 2, GHL management measure.

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

PROPOSAL 386 – 5 AAC 35.505(c). Description of Registration Area J Districts.

Proposed By: Alaska Department of Fish and Game

What Would The Proposal Do? This proposal seeks to place in regulation the harvest sections utilized by ADF&G for management of Eastern Aleutian District Tanner crab stock.

What Are The Current Regulations? Current regulations define the Eastern Aleutian District, but do not describe the smaller harvest sections currently utilized for management and stock assessment.

What Would Be The Effect If The Proposal Were Adopted? Participants in the Eastern Aleutian District Tanner crab fishery would have harvest sections defined in regulation.

Proposed regulatory language as follows:

5 AAC 35.505 DESCRIPTION OF REGISTRATION AREA J DISTRICTS (c)

(1) Akutan Section: all waters west of Akun Head (54° 17.58' N lat., 165° 37.58' W long.) and east of North Head (54° 13.5' N lat., 165° 51.08' W long.) to the three nautical mile state-waters boundary and north of a line from 54° 07.63' N lat., 165° 39.88' W long. to 54° 08.36' N lat., 165° 38.36' W long.

(2) Unalaska/Kalekta Bay Section: all waters west of Erskine Point (53° 58.55'N lat., 166° 16.30' W long.) and east of Cape Cheerful (54° N lat., 166° 40.33' W long.) to the three nautical mile state-waters boundary.

(3) Makushin/Skan Bay Section: all waters south of Cape Kovrizhka (53° 50.67' N lat., 167° 09' W long.) and north of Spray Cape (53° 36.83' N lat., 167° 09.33' W long.) to the three nautical mile state-waters boundary.

(4) General Section: all remaining waters of the EAD not contained within (1) through (3) of this section.

Background: Since 2004, ADF&G has managed the Eastern Aleutian District Tanner crab fishery based on trawl survey areas. ADF&G opens and closes specific geographical areas to harvest of Tanner crab by emergency order each year based on survey results. The same areas have been surveyed annually since 2003 and harvest sections used for management are not expected to change in the foreseeable future.

Department Comments: This is a staff proposal. ADF&G **SUPPORTS** having harvest sections defined in regulation.

This proposal is a Federal Fishery Management Plan for Bering Sea/Aleutian Islands King and Tanner Crabs (FMP) Category 2, registration areas management measure.

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

PROPOSAL 366 – 5 AAC 35.506. Area J Registration.

Repeal superexclusive registration for the Kodiak District Tanner crab fishery.

Proposed By: Tary Middlesworth

What Would The Proposal Do? This proposal would change the Kodiak District Tanner crab registration from superexclusive to nonexclusive.

What Are The Current Regulations? 5 AAC 35.506. Area J Registration (a). Registration Area J is a nonexclusive registration area, except the Kodiak and Chignik Districts are superexclusive registration districts.

(g) a vessel that is registered for the Tanner crab fishery in the Kodiak District may not be registered for the Tanner crab fishery in the Chignik or South Peninsula Districts during that registration year.

5 AAC 35.005 Registration Areas Established (c). A vessel validly registered for a superexclusive registration area may not be used to take Tanner crab in any other registration area during that registration year. Unless otherwise specified in this chapter, a Tanner crab vessel validly registered for a nonexclusive registration area may not be used to take Tanner crab in a superexclusive registration area during that registration year. A vessel may register for more than one nonexclusive registration area.

5 AAC 35.020 Tanner Crab Area Registration (h). An operator of a Tanner crab vessel validly registered for a superexclusive registration area may not operate any other Tanner crab vessel registered for any other superexclusive registration area in the same registration year.

What Would Be The Effect If The Proposal Were Adopted? Vessels that are validly registered for other nonexclusive Tanner crab registration areas would be able to participate in the Kodiak Tanner crab fishery, provided they have a limited entry permit. Likewise, vessels registered for the nonexclusive Kodiak District could fish in other nonexclusive registration areas or districts, except the Chignik and South Peninsula districts. Vessel operators that participate in other superexclusive Tanner crab fisheries would not be able to participate in the Kodiak Tanner crab fishery.

Background: The Kodiak District Tanner crab fishery became a limited entry fishery in 2003. Currently there are 166 limited entry permits issued and there are an additional 21 permits in some stage of adjudication; however, from 2003 through the 2007 season, an average of 66 permits were used in the Kodiak fishery.

The Kodiak District superexclusive registration requirement was adopted during the same year as limited entry.

Fishery limited entry programs are adopted by the Commercial Fisheries Entry Commission (CFEC), and are intended to limit the number of participants in a fishery.

Registration requirements (i.e., nonexclusive and superexclusive) are adopted by the Alaska Board of Fisheries and are intended to address participation by a vessel or vessel operator in multiple registration areas for the same species.

While both programs limit participation, the intentions behind both programs are different. CFEC limited entry places a maximum cap on the total participation to preserve the resource or economic health of the fishery. In contrast, nonexclusive and superexclusive registration requirements are generally allocative. Nonexclusive and superexclusive registration requirements limit the ability of a vessel or vessel operator to participate in multiple fisheries of the same type, essentially forcing a choice of one or the other.

Department Comments: ADF&G is **NEUTRAL** on the allocative aspects of this proposal.

Cost Analysis: ADF&G does not believe that approval of this proposal would result in a direct cost for a private person to participate in this fishery.

PROPOSAL 367 – 5 AAC 35.525. Lawful Gear for Registration Area J (c)(1).

Implement differential pot limits for big and small vessels during the Kodiak District Tanner crab fishery.

Proposed By: Tary Middlesworth

What Would The Proposal Do? In the Kodiak District Tanner crab fishery, this proposal would increase the pot limit for vessels larger than 60 feet in length by 20%, compared to the pot limit for vessels less than 60 feet in length. This proposal also reduces the current pot limit for vessels less than 60 feet in length when the guideline harvest level is over 5 million pounds.

What Are The Current Regulations? Current regulations do not distinguish pot limits with respect to vessel size. 5 AAC 35.525 Lawful Gear For Registration Area J (c) (1) in the Kodiak District, when the guideline harvest level for *C. bairdi* Tanner crab is

(A) less than 2,000,000 pounds, an aggregate of no more than 20 pots may be operated from a validly registered Tanner crab vessel;
(B) at least 2,000,000 pounds but less than 4,000,000 pounds, an aggregate of no more than 30 pots may be operated from a validly registered Tanner crab vessel;
(C) at least 4,000,000 pounds but less than 5,000,000 pounds, an aggregate of no more than 40 pots may be operated from a validly registered Tanner crab vessel;
(D) at least 5,000,000 pounds, an aggregate of no more than 60 pots may be operated from a validly registered Tanner crab vessel.

What Would Be The Effect If The Proposal Were Adopted? Vessels over 60-feet in length would be able to use 20% more pots than vessels less than 60-feet in length.

Table 1.–Current pot limit and proposed pot limit for the Kodiak District Tanner crab fishery.

Guideline Harvest Level	Current	Proposed Pot Limit	
(pounds)	Pot Limit	<60 feet	>60 feet
Less than 2 million	20	20	24
2 - 4 million	30	30	36
4-5 million	40	40	48
5 million and greater	60	50	60

Background: From 1995 to 2000 the Kodiak District Tanner crab fishery was closed due to low stock abundance. The fishery reopened in 2001.

The Kodiak District Tanner crab fishery became a limited entry fishery in 2003. Currently there are 187 limited entry permits issued, 142 (76%) small vessel permits (less than 60 feet overall length) and 45 (24%) large vessel permits (up to 120 feet overall length). From the 2003 through the 2007 season, an average of 66 permits were used in

the fishery. On average 13% of the total number of permits fished were on vessels 60 to 120 feet. During this same time frame, harvest attributed to large-vessel permits accounted for approximately 20% of the total harvest (Figure 1).

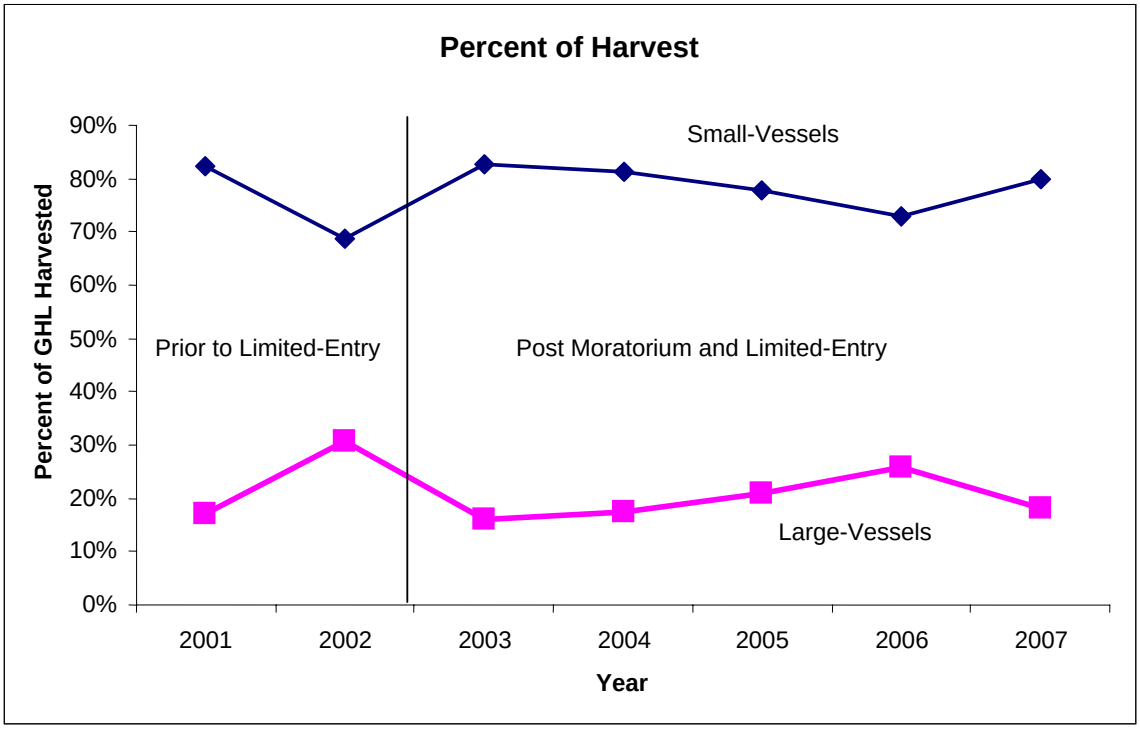

Figure 1.–Percent of the Kodiak District Tanner crab harvest by permit-size class, 2001-2007.

From 2003 through 2007 the number of large-vessel permits fishing has averaged eight per year. If the proposed increase in pot limits had been in effect from the 2003 season, this would have translated into an average of a 3% increase in the amount of gear allowed (Table 2).

Table 2.–Number of permits, amount of gear, and potential amount of gear if proposal had been adopted in prior years.

	No. of Permits		Total	Hypothetical	Percent
Year	Small-Vessel	Large-Vessel	Pots	Pots	increase
2003	66	6	1,440	1,464	2%
2004	59	7	1,320	1,348	2%
2005	66	8	1,480	1,512	2%
2006	54	14	2,040	2,124	4%
2007	43	6	980	1,004	2%
2003-2007 average	58	8	1,452	1,490	3%

If all 187 permits are fished in a given year the proposal would increase the amount of gear by 5% for all guideline harvest levels except those over 5 million pounds (Table 3).

Table 3.–Amount of gear if all 187 permits are fished under current and proposed pot limits, and the percent difference in total gear.

	Current Pot Limit	Proposed Pot Limit	% Change
Less than 2 million	3,740	3,920	5%
2 - 4 million	5,610	5,880	5%
4-5 million	7,480	7,840	5%
5 million and greater	11,220	9,800	-13%

Department Comments: ADF&G is **NEUTRAL** on the allocative aspects of this proposal. However, ADF&G requests the BOF to clarify whether vessels equal to 60 feet in length are part of the large vessel or small vessel size class. Current CFEC permits separate vessel sizes into vessels under 60 feet and vessel up to 120 feet.

Cost Analysis: ADF&G does not believe that approval of this proposal would result in a direct cost for a private person to participate in this fishery.

PROPOSAL 387 – 5 AAC 34.910 (d)(1). Fishing Seasons for Registration Area Q; and 5 AAC 34.915 (b). Norton Sound Red King Crab Harvest Strategy.

Proposed By: Steve Ivanoff

What Would The Proposal Do? This proposal would move the start of the open access summer king crab fishery from July 1 to June 15. Move the start of the Community Development Quota (CDQ) king crab fishery from June 15 until after the open access fishery is finished; likely sometime in August.

What Are The Current Regulations? The CDQ fishery may open from 12:00 noon, June 15 or no less than 72 hours after the commercial herring fishery is closed, whichever is later, until 12:00 noon, June 28. The open access summer king crab fishing is from 12:00 noon, July 1 until 12:00 noon, September 3 unless closed earlier by emergency order.

What Would Be The Effect If The Proposal Is Adopted? This proposal, if adopted, would result in the open access fishery starting two weeks earlier than the current start date of July 1. The CDQ fishery would not occur before the open access fishery, but instead follow it, with the CDQ fishery likely occurring sometime in August. Local fishers would no longer have the advantage in locating crab before the open access fishery starts as regulations require all subsistence crab pots to be out of the water 14 days prior to any commercial fishing.

Background: A large-vessel summer commercial king crab fishery was initiated in Norton Sound in 1977. The summer commercial king crab season was from noon, August 1 until noon, September 3. However, the large boat fishery was often able to take the quota in less than two weeks. Regulation changes adopted in 1993 changed participation to a small boat fishery as a superexclusive designation went into effect in June 1994. Also, the summer commercial king crab season was changed to open from noon, July 1 until noon, September 3.

In 2000, a CDQ fishery was established and allowed 7.5% of the crab quota. Initially, the CDQ fishery was opened following the open access fishery. In 2001, a lack of fishing effort, marginal weather, and instances of more double-shelled crab in September resulted in allowing the CDQ fishery to occur before the open access fishery. Therefore, beginning with the 2002 summer commercial fishing season, the CDQ fishery has opened noon, June 15 and closed at noon, June 28. If the CDQ fishery failed to take the 7.5% of the quota, the CDQ fishery could open again after the open access fishery was complete.

The molt for male king crab usually begins in August and is believed to end by November. The molt for female crab is usually from late February through April. Mating is believed to occur from late winter until spring, usually from February through May. However, crab studies in the 1980s have listed the mating period ranging from January to June.

Department Comments: ADF&G is **NEUTRAL** on the possible allocative aspects of this proposal. Under current management strategies since 2002, the open access and CDQ

fisheries have been able to harvest their respective quotas within the timeframes allowed in regulation. Because the open access fishery is allotted 92.5% of the crab quota there is a high likelihood that there will be an increased harvest during the month of June. Increasing the harvest in June may reduce meat recovery. Additionally, if there is a late ice breakup Nome based vessels may have difficulty leaving port in mid-June because of ice.

This proposal is a Federal Fishery Management Plan for Bering Sea/Aleutian Islands King and Tanner Crabs (FMP) Category 2, fishing seasons management measure.

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

PROPOSAL 388 – 5 AAC 34.915(b). Norton Sound Section Red King Crab Harvest Strategy.

Proposed By: Norton Sound Economic Development Corporation

What Would The Proposal Do? This proposal would eliminate the restriction requiring the commercial herring fishery to be completed before the start of the CDQ crab fishery on June 15.

What Are The Current Regulations? The CDQ crab fishery may start at 12:00 noon, June 15 or no less than 72 hours after the commercial beach seine and gillnet herring fishery is closed, whichever is later.

What Would Be The Effect If The Proposal Is Adopted? This proposal, if adopted, would allow the CDQ fishery to start at 12:00 noon, June 15, regardless of the commercial herring fishery.

Background: The CDQ crab fishery was initiated in 2000 and originally occurred after the open access fishery was completed. By regulation, the open access fishery begins at noon, July 1. Starting in 2002, because of a lack of fishing effort, marginal weather, and occurrence of more double-shelled crab in September, the CDQ fishery was allowed to occur before the open access fishery. Currently, the CDQ portion of the fishery can start as early as June 15. The CDQ fishery closes at noon, June 28 and any unused quota can be caught after the open access fishery closes for the year (usually in mid-August). The restriction on the CDQ fishery occurring after the herring fishery was to allow better enforcement and eliminate enforcement concerns of two fisheries occurring at the same time. However, there has not been a herring sac roe fishery for the previous two years and only a herring bait fishery has occurred during this time with only a few boats participating. Because of the low effort occurring in the herring fishery, there are no enforcement concerns with the crab and herring fisheries occurring at the same time. Therefore, the department has allowed the CDQ crab fishery to start on June 15 regardless of when the herring fishery was prosecuted.

Department Comments: ADF&G **SUPPORTS** this proposal to allow the CDQ fishery to start each year at 12:00 noon, June 15 for consistency. If this proposal is adopted, enforcement of crab and herring fisheries will not be adversely impacted.

This proposal is a Federal Fishery Management Plan for Bering Sea/Aleutian Islands King and Tanner Crabs (FMP) Category 2, fishing seasons management measure.

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

PROPOSAL 389 – 5 AAC 34.920(d). Size Limits for Registration Area Q.

Proposed By: Norton Sound Economic Development Corporation

What Would The Proposal Do? This proposal would reduce the size limit for male blue king crab in the Norton Sound commercial crab fishery from 5 ½ inches to 5 inches, in width of shell.

What Are The Current Regulations? Only male blue king crab 5 ½ inches or greater, in width of shell, may be taken.

What Would Be The Effect If The Proposal Is Adopted? If adopted, this proposal would allow the harvest of smaller size male blue king crab.

Background: Harvest of blue king crab has been infrequent in Norton Sound. In 1983, 52,557 pounds of blue king crab were harvested near St Lawrence Island. In 1984, a regulation was adopted that closed waters within ten miles of St. Lawrence Island, King Island, and Diomede Island. In 1989, 984 pounds of blue king crab were sold. In 1992 there were 53 pounds of blue king crab sold and in 1995 there were 7,913 pounds of blue king crab sold.

Size limit regulations provide a management tool to protect reproductive capacity of a population. Size limits protect breeding stocks by setting the minimum size limit greater than the size at sexual maturity.

Department Comments: ADF&G is **NEUTRAL** on this proposal. The department has limited information on the size frequency of the blue king crab stock, and size at maturity has not been estimated for this stock. Ideally size frequency and maturity by size data would be collected to help judge an appropriate legal size limit. In a 2005 king crab pot study near King Island 42 blue king crab were captured with 19% being 5 ½ inch or greater in size, 26% between 5 inches and 5 ½ inches and 55% being less than 5 inches in size. The legal size for red king crab in the Norton Sound fishery is 4 ¾ inches width of shell. In recent years, buyers have only purchased 5 inch or greater shell width red king crab because of market considerations.

If the minimum size limit is reduced, it is unlikely that there will be much of an increase in harvest because of the low blue king crab harvest to date and closed waters around St. Lawrence Island, King Island, and Diomede Island. If some harvest does occur over the next three years, it will help with collecting more biological information.

This proposal is a Federal Fishery Management Plan for Bering Sea/Aleutian Islands King and Tanner Crabs (FMP) Category 2, size limits management measure.

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

PROPOSAL 390 – 5 AAC 34.925(b), (d). Lawful Gear for Registration Area Q.

Proposed By: Norton Sound Economic Development Corporation

What Would The Proposal Do? This proposal would require escape mechanisms in summer and winter commercial king crab pots such that each crab pot would have four escape rings with an inside diameter of four and one-half inches or one side of four side pots would have a side panel on the lower half of a mesh size of not less than six and one-half inches.

What Are The Current Regulations? No escape mechanisms are required other than under 5 AAC 39.145, which requires that shellfish crab pots must contain an opening equal to 18 inches in length. The opening must be laced, sewn, or secured together by a single length of untreated, 100 percent cotton twine, no larger than 30 thread. The cotton twine may be knotted at each end only. The opening must be within six inches of the bottom of the pot and must be parallel with it.

What Would Be The Effect If The Proposal Is Adopted? The proposed escape mechanisms would allow sublegal male and female crabs to escape from the pot without having to be released when the crab pot is pulled out of the water by fishers during gear checks.

Background: Escape mechanisms are required in the Pribilof District and St. Matthew Island Section of Area Q, but are not required in the Norton Sound or Kotzebue Sections of the Northern District.

Figure 1. Photo of escape ring in a pyramid shellfish pot.

Department Comments: ADF&G **SUPPORTS** this proposal and believes that the escape mechanisms would reduce mortality and non-lethal damage to sublegal male and female crab.

This proposal is a Federal Fishery Management Plan for Bering Sea/Aleutian Islands King and Tanner Crabs (FMP) Category 3, gear modifications management measure.

Cost Analysis: Approval of this proposal would result in a modest additional direct cost for a private person to participate in this fishery to refit their pots with escape mechanisms.

PROPOSAL 391 – 5 AAC 34.925. Lawful Gear for Registration Area Q; and 5 AAC 02.607. Subsistence Fishing Gear.

Proposed By: Kevin Bopp

What Would The Proposal Do? In the Nome winter commercial and subsistence king crab fisheries, a galvanic release or other thread that would break down quicker than the current 30 thread or smaller would be required.

What Are The Current Regulations? Under 5 AAC 39.145 (1), shellfish pots must contain an opening equal to 18 inches in length. The opening must be laced, sewn, or secured together by a single length of untreated, 100 percent cotton twine, no larger than 30 thread. The cotton twine may be knotted at each end only. The opening must be within six inches of the bottom of the pot and must be parallel with it. Additionally, per 5 AAC 39.145 (2) shellfish pots may instead have a galvanic timed release device designed to release in no more than 30 days in salt water.

What Would Be The Effect If The Proposal Is Adopted? If adopted, this proposal would require a weaker type of thread for the winter crab fisheries.

Background: Numerous crab pots may be lost during the winter if ice moves due to wind events. Reports from some fishers indicate that they have replaced the 30 cotton thread approximately each month in their crab pots. However, if thread is treated or has any nylon, then the thread will not break in approximately 30 days.

Department Comments: ADF&G is **NEUTRAL** on this proposal. A smaller thread will break sooner than the 30 thread, but ADF&G believes 30 thread is sufficient. However, the thread must be cotton or it will not degrade properly. Galvanic timed release mechanisms would be more difficult for fishers to obtain and use than cotton thread. A galvanic timed release mechanism is not known to have been used in Norton Sound.

This proposal is a Federal Fishery Management Plan for Bering Sea/Aleutian Islands King and Tanner Crabs (FMP) Category 3, gear modifications management measure.

Cost Analysis: Approval of this proposal would result in an additional direct cost for a private person to participate in this fishery if required to purchase galvanic timed release mechanisms.

COMMITTEE C – Prince William Sound and Cook Inlet King and Tanner Crab (7 Proposals)

PROPOSAL 359 - 5 AAC 35.408 (b)(4) (b)(5). Registration Area H Tanner Crab Harvest Strategy. 5 AAC 35.410 (c) Fishing Seasons for Registration Area H. 5 AAC 58.022(a)(11). Waters; seasons; bag, possession, and size limits; and special provisions for Cook Inlet – Resurrection Bay Saltwater Area; 5 AAC 77.516 (1)(B). Personal Use Tanner Crab Fishery. Establish and refine management criteria for sport and personal use fisheries in Cook Inlet and on the outer Gulf coast of the Kenai Peninsula including Resurrection Bay.

Proposed By: Alaska Department of Fish and Game

What Would The Proposal Do? This proposal establishes a harvest threshold of 70,000 legal male Tanner crab, estimated from department trawl surveys in Kamishak Bay, for sport and personal use fisheries in Lower Cook Inlet and the outer Gulf coast salt waters, not including Kachemak Bay. A season of August 1 through March 30 is proposed. No change would occur in the daily bag and possession limits, pot limits, crab size and sex restrictions or permit requirements.

Also, due to the positive customary and traditional use finding for Tanner crab outside the Anchorage-Matsu-Kenai nonsubsistence area by the Board at its November 2007 meeting, subsistence regulations need to be adopted for this area if a harvestable surplus is available.

What Are The Current Regulations? Currently, the sport and personal use Tanner crab fisheries are closed in Cook Inlet and along the outer Gulf coast of the Kenai Peninsula because stock abundance is below harvest thresholds for the Kachemak Bay area specified in 5 AAC 35.408 Registration Area H Tanner Crab harvest strategy. When stock abundance in the Kachemak Bay area is above harvest thresholds, sport and personal use regulations in Cook Inlet and the outer Gulf coast salt waters allow a daily bag and a possession limit of 5 male Tanner crabs that are a minimum size of 5.5 inches in carapace width including spines. East of a line from Anchor Point to Point Pogibshi open season dates are July 15 through December 31 and January 15 or the beginning of the commercial Tanner crab season (whichever is later) through March 15. In all other waters of the Cook Inlet-Resurrection Bay saltwater area open season dates are July 15 through March 31. Two pots may be fished per person with no more than two pots fished per vessel. Shellfish pot buoys must be marked with the fisher's names and the name or U.S. Coast Guard number of the boat fishing them. Shellfish pots must be equipped with escape mechanisms including 2 or more escape rings 4 3/8 inches in diameter and a biodegradable twine closure. The requirement to obtain a permit to harvest shellfish with pots for sport or personal use exists, but has not been imposed because minimal effort has occurred with closure of the major crab and shrimp fisheries in the area.

What Would Be The Effect If The Proposal Is Adopted? Adoption of this proposal would open sport and personal use Tanner crab fisheries in Cook Inlet west of a line from Anchor Point to Pt. Pogibshi and along the outer Gulf Coast in the waters to Cape Puget August 1 through March 30. A small but unknown harvest is likely to occur.

Background: Tanner crab abundance is estimated with department trawl surveys of Kachemak and Kamishak bays, both located in lower Cook Inlet. 5 AAC 35.408 Registration Area H Tanner crab harvest strategy, passed by the Board of Fisheries in 2002, contains harvest guidelines for the sport and personal use fisheries in Cook Inlet and the outer Gulf coast of the Kenai Peninsula based upon male Tanner crab abundance estimates from the Kachemak Bay trawl survey.

The sport and personal use bag and possession limits were reduced from 20 to five and the pot limits from four to one per person and four to two per vessel in Cook Inlet and along the outer Gulf coast in 2001 because the legal male Tanner crab abundance estimate in the Kachemak Bay trawl survey declined sharply in 2000 and remained low in 2001. An accompanying decline occurred in the legal male Tanner crab abundance estimated from the Kamishak Bay trawl survey. As a result of the lower limits, the total harvest in 2001 was 6,499, with 193 Tanner crab taken outside the Kachemak Bay area. Tanner crab fishing was closed in Cook Inlet and along the outer Gulf coast in August of 2002 because abundance of legal male Tanner crab in Kachemak Bay was below harvest thresholds specified in 5 AAC 35.408 Registration Area H Tanner Crab harvest strategy.

Portions of the area under consideration in this proposal are within the Anchorage-Matsu-Kenai Nonsubsistence Area (5 AAC 99.015(a)(3)). The board may not create subsistence fisheries in nonsubsistence areas, but may provide noncommercial harvest opportunities in personal use and sport fisheries in the nonsubsistence area. For the portion of area under consideration in this proposal that is outside the nonsubsistence area, the Board made a positive customary and traditional use determination for all shellfish, including Tanner and king crab, during its Lower Cook Inlet regulatory meeting in Homer in November 2007. Presently, subsistence fishing for Tanner crab is closed in this area. If the department determines that there is a harvestable surplus of Tanner crab in the area subject to the customary and traditional use finding, the Board will need to determine the amount of the harvestable portion that is reasonably necessary for subsistence uses and, if so, what that amount is (AS16.05.258(b)). It will also need to adopt regulations providing a reasonable opportunity for subsistence uses of the Tanner crab stock (AS 16.05(b)(1)(A)). All Alaskans are eligible to participate in subsistence fisheries. Regulations governing subsistence Tanner crab fishing in the areas outside the nonsubsistence area could be identical to the personal use or sport fishing regulations in place within the nonsubsistence area, except a sport fishing license would not be required to obtain a subsistence fishing permit.

Department Comments: The department submitted this proposal and continues to **SUPPORT** it. The department plans to introduce recommendations to adjust the proposed fishery thresholds and possibly update additional thresholds in 5 AAC 35.408 Registration

Area H Tanner crab harvest strategy because analysis of survey data has been refined and additional data are available since the proposal was written.

The Cook Inlet-Resurrection Bay area as described in sport fishing regulations overlaps with the boundary of the PWS commercial fisheries (including personal use/subsistence) in the waters between Cape Puget and Cape Fairfield. Currently the subsistence fishery for Tanner crab in PWS is closed therefore the sport fishery may not open where the two areas overlap. There are proposals to open noncommercial fisheries for Tanner and king crab in PWS. If the board adopts these proposals, consideration will need to be given to potential regulatory conflicts in this area of overlap.

An opening date of August 1 is proposed for waters outside Kachemak Bay while retaining the earlier date of July 15 within the Kachemak Bay area. The opening date should be consistent throughout Cook Inlet and the outer Gulf coast.

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

PROPOSAL 360 – 5 AAC 77.516. Personal Use Tanner Crab Fishery.

Proposed by: Seward Fish and Game Advisory Committee

What Would The Proposal Do? The proposal seeks to open a personal use Tanner crab fishery in waters from Gore Point to Cape Puget with open season dates of September 15 to March 31, a five-pot limit, a 20 crab per day bag limit, and a harvest reporting requirement.

What Are The Current Regulations? Regulation 5 AAC 77.516 (1)(B) aligns noncommercial Tanner crab fishing in the Outer and Eastern Districts with noncommercial fishing in the Southern District; the management plan requires the Southern District fishery to open in order for the season in the Outer and Eastern Districts to open. The same regulation establishes open season dates of July 15 through March 15 with a two pot limit, daily bag and possession limits of 5 male Tanner crab of 5 ½ inches minimum carapace width, prohibits the possession of uncooked mutilated or disfigured Tanner crab aboard a vessel and requires that only whole crab, cooked or uncooked may be taken off a vessel.

What Would Be The Effect If The Proposal Is Adopted? If adopted, the proposal would open a noncommercial Tanner crab season in an area that is currently closed, shorten the season described in regulation from nine to six months, increase pot limits from two to five, and increase the daily bag and possession limit from 5 to 20 crab.

Background: Tanner crab abundance is estimated with department trawl surveys of Kachemak and Kamishak bays, both located in lower Cook Inlet. The department does not conduct crab assessment surveys in the Outer and Eastern Districts. 5 AAC 35.408 Registration Area H Tanner crab harvest strategy, passed by the Board of Fisheries in 2002, contains harvest guidelines for the sport and personal use fisheries in Cook Inlet and the outer Gulf coast of the Kenai Peninsula based upon male Tanner crab abundance estimates from the Kachemak Bay trawl survey. Estimates of legal male Tanner crab abundance in Cook Inlet and PWS surveys are variable but show slow increases in recent years.

The sport and personal use bag and possession limits were reduced from 20 to 5 crab and the pot limits from four to one per person and four to two per vessel in Cook Inlet and along the outer Gulf coast in 2001 because the legal male Tanner crab abundance estimate in the Kachemak Bay trawl survey declined sharply in 2000 and remained low in 2001. An accompanying decline occurred in the legal male Tanner crab abundance estimated from the Kamishak Bay trawl survey. As a result of the lower limits, the total harvest in 2001 was 6,499 crab, with 193 Tanner crab taken outside the Kachemak Bay area. Tanner crab fishing was closed in Cook Inlet and along the outer Gulf coast in August of 2002 because abundance of legal male Tanner crab in Kachemak Bay was below harvest thresholds specified in 5 AAC 35.408 Registration Area H Tanner Crab harvest strategy.

Department Comments: The department **OPPOSES** this proposal because the proposed pot and harvest limits may result in a harvest that is not sustainable. However, the department supports another proposal that would refine 5 AAC 35.408 Registration Area H Tanner crab harvest strategy and would result in opening the Cook Inlet area except Kachemak Bay with the pot, bag and possession limits described in regulation. The Cook Inlet-Resurrection Bay area as described in sport fishing regulations overlaps with the boundary of the PWS commercial fisheries (including personal use/subsistence) in the waters between Cape Puget and Cape Fairfield. Currently the subsistence fishery for Tanner crab in PWS is closed therefore the sport fishery may not open where the two areas overlap. There are proposals to open noncommercial fisheries for Tanner and king crab in PWS. If the board adopts these proposals, consideration will need to be given to potential regulatory conflicts in this area of overlap.

Cost Analysis: The department believes that adoption of this proposal could result in an additional direct cost for a private person to participate in the fishery.

PROPOSAL 361 – 5 AAC 77.557. Personal Use King Crab Fishery.

Proposed By: David Daniels

What Would The Proposal Do? This proposal seeks to reopen the personal use king crab fishery in Prince William Sound (PWS) with open season dates of November 1 through April 30, a one-pot per vessel gear limit, an annual bag limit of five crab per person, a punch card permit, a logbook requirement, a registration requirement with check-in/check-out provisions, and catch reporting within six hours of the next business day.

What Are The Current Regulations? Regulation 5 AAC 77.557 closed the personal use season for king crab in PWS.

What Would Be The Effect If The Proposal Were Adopted? If adopted, the proposal would re-establish a personal use king crab season in PWS.

Background: Three species of king crab, red, blue, and golden are found in PWS. Historically the department has not directly assessed king crab abundance in PWS. Tanner crab pot surveys, conducted 1977-1991 and trawl surveys conducted 1991 to the present have provided a relative index of abundance for red king crab. From 2004-2006 the department conducted pot surveys to index the relative abundance and monitor the stock status of golden king crab in western PWS.

Commercial fisheries for red and blue king crab were initially closed due to low abundance in 1984. The commercial fishery for golden king crab developed in the early 1980's and closed in 1989 except for a brief opening in 1994. All PWS non-commercial king crab fisheries remained open until 1999 with gear limits of five pots per person and no more than ten pots per vessel and daily bag and possession limits of six king crab per-day. From 1982 through 1998 the department closed by emergency order the Hinchinbrook Entrance and Orca Bay portions of PWS to conserve declining king crab stocks. Historically, there was no mechanism in place to track the total noncommercial harvest. However; the Statewide Harvest Survey estimated 40 and 72 crab harvested in 1997 and 1998, the last two years of the sport and personal use fisheries. Subsistence king crab harvest data collected in 1999 indicated that subsistence harvests totaled less than 150 king crab among all PWS communities. The board has not made a customary and traditional use finding for king crab in PWS. The board closed all noncommercial king crab fisheries in 1999 due, in part, to the lack of stock status and harvest information.

Department Comments: The department **OPPOSES** the proposal. The PWS management area would need to be considered for a subsistence fishery prior to establishment of a personal use king crab fishery. The department supports working with the board to determine a C&T finding and, if a positive finding is established, move forward to determine the amount necessary for subsistence (ANS). The absence of red and blue king crabs in department surveys suggests that these species should not be harvested at this time. If the board chose to adopt a fishery for golden king crab, the

department would urge a conservative approach. The department would suggest a winter season, a limited fishing area, conservative pot and annual household limits, reporting requirements, and pot gear that minimizes bycatch.

Cost Analysis: The department believes that adoption of this proposal could result in an additional direct cost for a private person to participate in the fishery.

PROPOSAL 362 – 5 AAC 77.558. Personal Use Tanner Crab Fishery.

Proposed By: Delbert Ferrier

What Would The Proposal Do? The proposal seeks to open a personal use Tanner crab fishery in that portion of Port Valdez within the Valdez Non-subsistence Area of Prince William Sound (PWS) with open season dates of October 1 through May 30, a two pot per person and per vessel gear limit, a 10-crab bag and possession limit and restrict to one the number of individuals that may operate a pot.

What Are The Current Regulations? Regulation 5 AAC 77.558 closed the personal use season for Tanner crab in PWS.

What Would Be The Effect If The Proposal Were Adopted? The proposed fishery would concentrate all fishing for Tanner crab in PWS within the Port Valdez portion of the Valdez Nonsubsistence Area (described in 5 AAC99.015(a)(5)).

Background: The department has assessed Prince William Sound (PWS) management area Tanner crab from 1977-1991 using a pot survey and from 1991 to the present via a trawl survey. The pot surveys provided relative abundance indices of legal Tanner crab and were used to set preseason harvest guidelines for the commercial fishery. The trawl survey occurred annually from 1991-1995 and biennially from 1997 to present. The department uses a trawl survey to estimate legal male abundance. Legal male estimates declined from 108,689 in 1993 to 3,697 in 1999 and have since rebounded to 33,518 in 2007.

The PWS personal use Tanner crab fishery was first established in 1986 and remained open year around with pot limits of five per person and no more than ten per vessel with 20-crab daily bag and possession limits. Minimum legal size was set at 5.3 inches. Personal use fishery participants had to possess a State of Alaska sport fishing license and regulations required each pot employ a biodegradable escape mechanism as defined in 5 AAC 39.145 and specified pot buoy marking requirements. The board adopted a regulatory closure for all PWS commercial and noncommercial fisheries in 1999 due to steady declines in both overall and legal male abundance and the lack of comprehensive noncommercial fishery harvest information.

Department Comments: The department **OPPOSES** this proposal because it would concentrate Tanner crab fishing effort within Port Valdez.

Cost Analysis: The department believes that adoption of this proposal could result in an additional direct cost for a private person to participate in the fishery.

PROPOSAL 363 – 5 AAC 77.558. Personal Use Tanner Crab Fishery.

Proposed by: Valdez Advisory Committee

What Would The Proposal Do? The proposal seeks to open a personal use fishery for Tanner crab in Prince William Sound management area with season dates of October 1 through May 30, a 5-pot limit. The proposal also asks for seasons in "areas of known crab abundance".

What Are The Current Regulations? Regulation 5 AAC 77.558 closes the personal use season for Tanner crab in PWS. Current subsistence regulations state that subsistence taking of king and Tanner crab in the Prince William Sound area is closed until the stocks recover enough to provide a harvestable surplus and regulations are adopted by the Board that reopen the fishery.

What Would Be The Effect If The Proposal Were Adopted? If adopted, the proposal would reestablish a PWS personal use Tanner crab season.

Background: The department has assessed Prince William Sound (PWS) management area Tanner crab from 1977-1991 using a pot survey and from 1991 to the present via a trawl survey. The pot surveys provided relative abundance indices of legal Tanner crab and were used to set preseason harvest guidelines for the commercial fishery. The trawl survey occurred annually from 1991-1995 and biennially from 1997 to present. The department uses a trawl survey and an area-swept methodology to estimate legal male abundance. Historically the trawl survey focused on core stations in Orca Bay including the bays along its north shore and the north end of Montague Island with the addition of ancillary stations throughout the PWS area. Legal male estimates from these core stations declined from 108,689 in 1993 to 3,697 in 1999 and have since rebounded to 33,518 in 2007.

The PWS personal use Tanner crab fishery was first established in 1986 and remained open year around with pot limits of five per person and no more than ten per vessel with 20-crab daily bag and possession limits. Minimum legal size was set at 5.3 inches. Personal use fishery participants had to possess a State of Alaska sport fishing license and regulations required each pot employ a biodegradable escape mechanism as defined in 5 AAC 39.145 and specified pot buoy marking requirements. The board adopted a regulatory closure for all PWS commercial and noncommercial fisheries in 1999 due to steady declines in both overall and legal male abundance and the lack of comprehensive noncommercial fishery harvest information. The board has not made a Customary and Traditional Use determination for Tanner crab in PWS.

Department Comments: The department **OPPOSES** the proposal as written. The PWS management area would need to be considered for a subsistence fishery prior to establishment of a personal use Tanner crab fishery. The department supports working with the board to determine a C&T finding and, if a positive finding is established, move forward to determine the amount necessary for subsistence (ANS). If the board chose to

adopt a Tanner crab fishery, the department would urge a conservative approach. The department would suggest a winter season, a limited fishing area, conservative bag and possession limits, reporting requirements, and pot gear that minimizes bycatch.

Cost Analysis: The department believes that adoption of this proposal could result in an additional direct cost for a private person to participate in the fishery.

PROPOSAL 364 – 5 AAC 77.557. Personal Use King Crab Fishery; and 5 AAC 77.557. Personal Use Tanner Crab Fishery.

Proposed By: Bernard Culbertson, Thane Miller

What Would The Proposal Do? The proposal seeks to open personal use king and Tanner crab fisheries by requiring the department to establish minimum stock levels for each species, that would clearly identify the levels at which fisheries could open.

What Are The Current Regulations? Regulations 5 AAC 77.557 and 5 AAC 77.558 closed the personal use seasons for king and Tanner crabs in PWS.

What Would Be The Effect If The Proposal Were Adopted? Personal use fisheries for king and Tanner crabs would reopen when the minimum stock levels were exceeded.

Background: Three species of king crab, red, blue, and golden are found in PWS. Historically the department has not directly assessed king crab abundance in PWS. Tanner crab pot surveys, conducted 1977-1991 and trawl surveys conducted 1991 to the present have provided a relative index of abundance for red king crab. From 2004-2006 the department conducted pot surveys to index the relative abundance and monitor the stock status of golden king crab in western PWS. Despite fishing both a broad area and a variety of depths, the survey captured only two juvenile male and one juvenile female golden king crab.

Commercial fisheries for red and blue king crab were initially closed due to low abundance in 1984. The commercial fishery for golden king crab developed in the early 1980's and closed in 1989 except for a brief opening in 1994. All PWS non-commercial king crab fisheries remained open until 1999 with gear limits of five pots per person and no more than ten pots per vessel and daily bag and possession limits of six king crab per day. From 1982 through 1998 the department closed by emergency order the Hinchinbrook Entrance and Orca Bay portions of PWS to conserve declining king crab stocks. Historically, there was no mechanism in place to track the total noncommercial harvest. However; the Statewide Harvest Survey estimated 40 and 72 crab harvested in 1997 and 1998, the last two years of the sport and personal use fisheries. Subsistence king crab harvest data collected in 1999 indicated that subsistence harvests totaled less than 150 king crab among all PWS communities. The board has not made a customary and traditional use finding for king crab in PWS. The board closed all noncommercial king crab fisheries in 1999 due, in part, to the lack of stock status and harvest information.

The department has assessed Prince William Sound (PWS) management area Tanner crab from 1977-1991 using a pot survey and from 1991 to the present via a trawl survey. The pot surveys provided relative abundance indices of legal Tanner crab and were used to set preseason harvest guidelines for the commercial fishery. The trawl survey occurred annually from 1991-1995 and biennially from 1997 to present. The department uses a trawl survey to estimate legal male abundance

The PWS personal use Tanner crab fishery was first established in 1986 and remained open year around with pot limits of five per person and no more than ten per vessel with 20-crab daily bag and possession limits. Minimum legal size was set at 5.3 inches. Personal use fishery participants had to possess a State of Alaska sport fishing license and regulations required each pot employ a biodegradable escape mechanism as defined in 5 AAC 39.145 and specified pot buoy marking requirements. The board adopted a regulatory closure for all PWS commercial and noncommercial fisheries in 1999 due to steady declines in both overall and legal male abundance and the lack of comprehensive noncommercial fishery harvest information. Data from the statewide harvest survey (SHS) indicated a harvest range of 137-537 crab with an average annual harvest of 300 Tanner crab during the period 1994-1998. These figures represent both sport and personal use harvests of Tanner crab. Data from the ADF&G Subsistence Division household survey suggest that subsistence harvests totaled less than 4,900 Tanner crab in 1997. The board has not made a Customary and Traditional Use determination for Tanner crab in PWS.

Department Comments: The department **OPPOSES** this proposal. The department currently lacks the data to allow development of a management plan with thresholds for king or Tanner crabs.

Cost Analysis: The department believes that adoption of this proposal could result in an additional direct cost for a private person to participate in the fishery.

PROPOSAL 365 – 5 AAC 77.557. Personal Use King Crab Fishery; and 5 AAC 77.557 Personal Use Tanner Crab Fishery.

Proposed By: Bernard Culbertson, Thane Miller

What Would The Proposal Do? The proposal would open king and Tanner crab for some undefined level of harvest.

What Are The Current Regulations? Regulations 5 AAC 77.557 and 5 AAC 77.558 closed the personal use seasons for king and Tanner crabs in PWS.

What Would Be The Effect If The Proposal Is Adopted? King and Tanner crab seasons would open to personal use fishing.

Background: Three species of king crab, red, blue, and golden are found in PWS. Historically the department has not directly assessed king crab abundance in PWS. Tanner crab pot surveys, conducted 1977-1991 and trawl surveys conducted 1991 to the present have provided a relative index of abundance for red king crab. From 2004-2006 the department conducted pot surveys to index the relative abundance and monitor the stock status of golden king crab in western PWS. Despite fishing both a broad area and a variety of depths, the survey captured only two juvenile male and one juvenile female golden king crab.

Commercial fisheries for red and blue king crab were initially closed due to low abundance in 1984. The commercial fishery for golden king crab developed in the early 1980's and closed in 1989 except for a brief opening in 1994. All PWS non-commercial king crab fisheries remained open until 1999 with gear limits of five pots per person and no more than ten pots per vessel and daily bag and possession limits of six king crab per day. From 1982 through 1998 the department closed by emergency order the Hinchinbrook Entrance and Orca Bay portions of PWS to conserve declining king crab stocks. Historically, there was no mechanism in place to track the total noncommercial harvest. However; the Statewide Harvest Survey estimated 40 and 72 crab harvested in 1997 and 1998, the last two years of the sport and personal use fisheries. Subsistence king crab harvest data collected in 1999 indicated that subsistence harvests totaled less than 150 king crab among all PWS communities. The board has not made a customary and traditional use finding for king crab in PWS. The board closed all noncommercial king crab fisheries in 1999 due, in part, to the lack of stock status and harvest information.

The department has assessed Prince William Sound (PWS) management area Tanner crab from 1977-1991 using a pot survey and from 1991 to the present via a trawl survey. The pot surveys provided relative abundance indices of legal Tanner crab and were used to set preseason harvest guidelines for the commercial fishery. The trawl survey occurred annually from 1991-1995 and biennially from 1997 to present. The department uses a trawl survey to estimate legal male abundance.

The PWS personal use Tanner crab fishery was first established in 1986 and remained open year around with pot limits of five per person and no more than ten per vessel with 20-crab daily bag and possession limits. Minimum legal size was set at 5.3 inches. Personal use fishery participants had to possess a State of Alaska sport fishing license and regulations required each pot employ a biodegradable escape mechanism as defined in 5 AAC 39.145 and specified pot buoy marking requirements. The board adopted a regulatory closure for all PWS commercial and noncommercial fisheries in 1999 due to steady declines in both overall and legal male abundance and the lack of comprehensive noncommercial fishery harvest information. Data from the statewide harvest survey (SHS) indicated a harvest range of 137-537 crab with an average annual harvest of 300 Tanner crab during the period 1994-1998. These figures represent both sport and personal use harvests of Tanner crab. Data from the ADF&G Subsistence Division household survey suggest that subsistence harvests totaled less than 4,900 Tanner crab in 1997. The board has not made a Customary and Traditional Use determination for Tanner crab in PWS.

Department Comments: The department **OPPOSES** this proposal. The proposal is vague beyond specifying opening personal use seasons for king and Tanner crab. The department supports working with the board to determine a C&T finding for PWS and, if a positive finding is established, move forward to determine the amount necessary for subsistence (ANS). If the board chose to adopt a crab fishery, the department would urge a conservative approach. The department would suggest a winter season, a limited fishing area, conservative bag and possession limits, reporting requirements, and pot gear that minimizes bycatch.

Cost Analysis: The department believes that adoption of this proposal could result in an additional direct cost for a private person to participate in the fishery.

COMMITTEE D – Supplemental Issues
(5 Proposals)

PROPOSAL 402 – 5 AAC 38.xxx. New Section.

Proposed By: Alaska Department of Fish and Game

What Would The Proposal Do? This proposal will allow the BOF to consider regulations for managing a state-waters only scallop fishery in Southeastern Alaska, Yakutat, Prince William Sound, Cook Inlet, Kodiak, Alaska Peninsula, Dutch Harbor, Bristol Bay-Bering Sea and Adak registration areas. ADF&G staff have developed recommendations for the BOF and public to consider for addressing harvest accounting, biological sampling, and enforcement of a state-waters scallop fishery.

What Are The Current Regulations? Scallop beds that occur in both state and federal waters are presently managed as one unit. Fishing for scallops in federal waters is restricted by the federal scallop LLP program. Fishing for scallops in state waters is currently limited by a CFEC vessel-based limited entry program.

What Would Be The Effect If The Proposal Were Adopted? ADF&G has drafted regulations to allow for a state-waters only scallop fishery that would be managed separately from the federal waters scallop fishery.

Background: The current state-waters vessel-based limited entry program is scheduled to expire December 31, 2008. Once this program expires, state waters will be open to scallop fishing by any vessel with a valid CFEC interim use permit beginning January 1, 2009. Federal waters will remain under the federal license limitation program. The state-federal boundary crosses several of the commercial scallop beds, but scallops are currently managed without regard to this boundary. New management measures may be needed to prevent overharvest and to ensure accurate accounting, biological sampling, and enforcement of state-waters scallop harvest, where permits will be unlimited, relative to federal waters, where there are 9 permits.

Department Comments: ADF&G **SUPPORTS** development of a state-waters only scallop management plan in case the legislature does not renew a limited entry program.

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

PROPOSAL 403 – 5 AAC 39.975. Definitions and 5 AAC 75.995 Definitions.

Proposed By: Alaska Department of Fish and Game

What Would The Proposal Do? This proposal will modify the statewide definitions for commercial and sport fisheries for the pelagic shelf rockfish group. Specifically, the proposal changes the common name for *Sebastes ciliatus* from dusky to dark rockfish. A new species will be added to the statewide definitions of the pelagic shelf rockfish group, *Sebastes variabilis*, commonly known as dusky rockfish.

What Are The Current Regulations? Current statewide definitions for commercial fisheries and sport fisheries do not reference the species *S. variabilis*, and do not recognize the common name dark rockfish for *S. ciliatus.*

What Would Be The Effect If The Proposal Were Adopted? ADF&G definitions will be updated with current species nomenclature for the pelagic shelf rockfish group.

Proposed regulatory language as follows:

5 AAC 39.975 Definitions (37)

(A) *S. ciliatus* (~~Dusky~~ Dark)

(F) *S. variabilis* (Dusky)

5 AAC 75.995

(47) "pelagic rockfish" includes **dark** [dusky] (*S. ciliatus*) **dusky (*S. variabilis*)**……

Background: Beginning January 2009, ADF&G is scheduled to assume full management authority for dark rockfish *Sebastes ciliatus* from the federal government in the exclusive economic zone (3–200 nmi offshore). National Marine Fisheries Service is removing dark rockfish from the Bering Sea/Aleutian Islands and Gulf of Alaska Groundfish Fishery Management Plans because dark rockfish are mainly a nearshore species; most of the resource occurs in state waters. Under the federal management system all species of rockfish in the pelagic shelf rockfish group are managed in aggregate, which could lead to conservation issues for a single species in the complex. Since most of the dark rockfish resource is in state waters ADF&G would be able to respond to conservation issues for this species on shorter notice, in smaller geographic areas than the federal government.

This proposal will adopt the currently recognized species designations and common names into the statewide definitions for the pelagic shelf rockfish group. The dusky rockfish (*S. ciliatus*) has been considered a single variable species with light and dark forms. These two forms have now been determined to be two separate species by Orr and Blackburn: Orr, James W. and J.E. Blackburn. 2004. The dusky rockfishes (Teleostei:Scorpaeniformes) of the North Pacific Ocean: resurrection of *Sebastes variabilis* (Pallas, 1814) and a redescription of *Sebastes ciliatus* (Tilesius, 1813). Fish. Bull. 102:328-348

Sebastes ciliatus was formerly defined as the dusky rockfish. The common name is now dark rockfish. The common name dusky rockfish is now applied to a newly recognized species *Sebastes variabilis*.

Department Comments: ADF&G **SUPPORTS** revising the pelagic shelf rockfish statewide definitions.

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

PROPOSAL 405 – 5 AAC 28.055. Seabird Avoidance Measures in Groundfish Fisheries.

Proposed By: Alaska Board of Fisheries

What Would The Proposal Do? The BOF has previously adopted seabird avoidance measures in groundfish fisheries, so that seabird avoidance measures in state waters are coordinated with federal regulations. The National Marine Fisheries Service is revising federal seabird avoidance measures for groundfish and halibut fisheries off Alaska. The science-based refinements drop unnecessary regulations and reduce costs to fishermen in some areas, while strengthening seabird protections in the remaining areas.

The new regulations will no longer require seabird avoidance measures such as streamerlines or buoy bags in all of Prince William Sound, all state waters of Cook Inlet and in most waters of the Eastern Gulf of Alaska Regulatory Area Southeast Inside District. However, pelagic seabirds (e.g. albatross species) have been observed more frequently in lower Chatham Strait, Dixon Entrance, and parts of Cross Sound. Hook-and-line fishing vessels must continue to meet seabird avoidance gear requirements and standards in those parts of the nearshore areas.

Hook-and-line vessels greater than 26 feet long and less than 55 feet long were earlier exempted from certain seabird avoidance gear deployment requirements for applying streamer line standards. Research with fishermen on the smaller hook-and-line vessels has shown that they can effectively adhere to the stricter requirements. When the winds exceed 30 knots, the new standards are relaxed for smaller vessels, for safety reasons. In addition to these changes, fishermen are no longer required to have a completed Seabird Avoidance Plan onboard their vessel.

What Are The Current Regulations? Current seabird avoidance regulations are referenced in 50 C.F.R. 679.24 revised as of October 1, 2004.

What Would Be The Effect If The Proposal Were Adopted? State-waters seabird avoidance regulations will be compatible with federal waters seabird avoidance regulations.

Background: The state adopted seabird avoidance regulations in 2004 to reduce interaction between commercial fishing gear and seabirds.

Department Comments: ADF&G **SUPPORTS** revising seabird avoidance measures for coordination with federal regulations.

Cost Analysis: Adoption of this proposal is not expected to result in an additional direct cost for the private person to participate. NOAA Fisheries is continuing a program started by the U.S. Fish and Wildlife Service to provide free streamerlines, including light-weight lines designed for smaller vessels.