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ALASKA DEPARTMENT OF FISH AND GAME

STAFF COMMENTS ON STATEWIDE KING AND TANNER CRAB REGULATORY PROPOSALS

ALASKA BOARD OF FISHERIES MEETING

ANCHORAGE, ALASKA

MARCH 22–26, 2011

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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 22–26, 2011 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 board.

ABSTRACT

This document contains Alaska Department of Fish and Game (department) staff comments on statewide (general provisions) subsistence, personal use, sport, and commercial king and Tanner crab regulatory proposals. These comments were prepared by the department for use at the Alaska Board of Fisheries (board) meeting, March 22–26, 2011 in Anchorage, Alaska 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 board.

Key words: Alaska Board of Fisheries, staff comments, subsistence, personal use, sport, commercial, regulatory proposals, crab, finfish, salmon.

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SUMMARY OF DEPARTMENT POSITIONS

Proposal #	Dept. Position	Issue
89	**N**	Develop marine weather criteria for opening the Chignik District Tanner crab fishery.
299	**O**	In the Aleutian Islands golden king crab fishery, allow fishery to extend beyond May 15 if total allowable catch not achieved.
300	**O**	In the Aleutian Islands golden king crab fishery, increase the biodegradable twine requirement to 90 thread.
301	**O**	Change boundary in the Bering Sea District Tanner crab fishery.
302	**S**	Amend onboard observer standards.
303	**S**	Amend onboard observer standards.
304	**S**	Modify preseason pot storage criteria in the Eastern Aleutian District Tanner crab fishery.
305	**O**	Change fishing season for St. Matthew Island blue king crab fishery
306	**O**	Escape mechanisms for king crab pots in Norton Sound.
307	**S**	Reduce the minimum size for Bering Sea Tanner crab.
308	**S**	Limit size of subsistence crab pots from June - October.
309	**N**	Modify Alaska Peninsula Area king and South Peninsula District Tanner crab pot limits.
310	**N**	Modify Alaska Peninsula Area king crab pot limits.
311	**N**	Establish an Alaska Peninsula Community Harvest Area in the Bering Sea for king and Tanner crab, and establish community subsistence harvest permit conditions.
312	**N**	Modify Alaska Peninsula-Aleutian Islands king and Tanner crab subsistence bag and possession regulations to accommodate Community Harvest Permit.
313	**N/O**	Modify king and Tanner crab subsistence customary and traditional use findings for Alaska Peninsula-Aleutian Islands Area.
314	**N**	Modify statewide shellfish subsistence proxy methods for Community Harvest Permit.
315	**S**	Clarify restriction on use of sport, personal, or subsistence-caught shellfish by owner, operator, or employee of a lodge, charter vessel, or other enterprise that furnishes food, lodging, or sport fishing guide services.
316	**O/N**	Allow for a January 15 crab season in Cook Inlet.
317	**N/O**	Amend season dates for Tanner crab.
318	**O**	Allow a three-person gear limit for Tanner crab per vessel.
319	**S**	Repeal personal use regulations for taking crab in the Kodiak Area.
320	**S**	Repeal personal use regulations for taking crab in the Chignik Area.
333	**S**	Clarify regulation on terminating a joint operation of dual permits in Bristol Bay commercial salmon fishery.
A	**N**	Board-generated proposal for Steller sea lion measures in parallel Pacific cod fishery.

Note: N = Neutral
S = Support
O = Oppose

COMMITTEE A: BERING SEA–ALEUTIAN ISLANDS (11 PROPOSALS)

Aleutian Islands Crab: (3 proposals)

PROPOSAL 299 – 5 AAC 34.610. Fishing Seasons for Registration Area O (b).

PROPOSED BY: Golden King Crab Harvesters Association.

WHAT WOULD THE PROPOSAL DO? This proposal would extend the Aleutian Islands golden (AIG) king crab fishing season beyond the regulatory closure date of May 15 if the total allowable catch (TAC) is not harvested by May 15.

WHAT ARE THE CURRENT REGULATIONS? The AIG season opens by regulation on August 15 and closes by regulation on May 15 (5 AAC 34.610 (b)). The fishery is managed east and west of 174° W long, with a separate TAC for each area (5 AAC 34.612 (1) and (2)). The TAC is allocated 90 percent to individual fishing quota (IFQ) and 10 percent to Community Development Quota (CDQ) fisheries. The AIG fishery was rationalized beginning in 2005 (5 AAC 39.670). The IFQ and CDQ harvest quotas may be fished at any time during the 9-month fishing season.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? The department could extend the Aleutian Islands golden king crab fishing season beyond May 15 if the TAC was not achieved. Under the proposal, the fishing season could be open year-round if the TAC was not achieved. In addition, there are no criteria in place to determine how the season would be extended and for what length of time.

Relevant fishery data would not be available to review prior to announcing the next season's harvest level. The fishery could be open as long as needed to reach the TAC. However, there would be no assurance that the TAC would be achieved if there are federal processing constraints.

BACKGROUND: Current AIG king crab season dates were established by the board in March 2005 and were structured to provide maximum fishing opportunity under the Crab Rationalization Program while allowing the department adequate time to analyze stock assessment data collected during the fishing season. After IFQ shares are distributed, the department has limited ability to close the fishery in season based on fishery performance.

Although the AIG TACs are defined in regulation, the department uses the three-month annual closure to assemble catch and observer data from the prior fishery to assess stock condition before announcing TACs for the next fishery.

There is no annual stock assessment survey for Aleutian Islands golden king crab. IFQ and CDQ quota share holders may fish at any time during the regulatory season. Most quota share holders participate in a crab harvesting cooperative, and a limited number of vessels harvest the cooperative's quota shares.

Federal regulations require delivery of 50 percent of catcher vessel IFQs from the western Aleutian Islands golden king crab fishery (WAG) west of 174° W long. Because a shorebased processing facility has not consistently operated in the WAG area, National Marine Fisheries Service (NMFS) has exempted processors and harvesters from this requirement. The North Pacific Fishery Management Council (NPFMC) recently took action developing a regulatory framework whereby this exemption could be implemented in the future as needed; however, the final rule has not been published. Emergency rules promulgated by NMFS obviate the need to extend the AIG king crab season because harvesters and processors may deliver and process WAG-designated crab outside of the WAG area.

The crab rationalization program allows harvesters the flexibility to add additional vessels to the fleet in order to harvest the TAC within the existing season dates. Under the current season, the majority of the TAC is harvested prior to the end of the season (Table 299-1).

Overfishing levels (OFLs) and annual catch limits (ACLs) for golden king crab are recommended by the NPFMC Crab Plan Team (CPT) during May and are finalized by the NPFMC Scientific and Statistical Committee in early June. Under the current season, some data are considered provisional or lacking at the time of the May CPT meeting and extending the season closure date beyond May 15 will not provide adequate time to compile and analyze data needed to recommend OFLs and ACLs. This problem will be exacerbated if the CPT recommends use of a stock assessment model for golden king crab because additional analysis will be required to implement that model compared to the current average catch stock assessment approach for establishing OFLs.

DEPARTMENT COMMENTS: The department **OPPOSES** this proposal because it would not afford the department adequate time to assess stock condition.

Season dates are a Category 2 management measure under the Fishery Management Plan for Bering Sea/Aleutian Islands king and Tanner crabs.

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

Table 299-1.–Percentage of EAG and WAG king crab fishery TAC harvested, and date of last landing.

Fishery	2005/06	2006/07	2007/08	2008/09	2009/10
Percent of IFQ TAC harvested					
EAG	95%	100%	100%	100%	100%
WAG	98%	82%	93%	88%	97%
Total	97%	92%	96%	94%	99%
Date of last IFQ landing					
EAG	03/28/06	01/13/07	02/09/08	12/22/08	01/10/10
WAG	03/25/06	05/06/07	05/01/08	05/12/09	05/13/10

PROPOSAL 300 – 5 AAC 39.145. Escape Mechanism for Shellfish and Bottomfish Pots.

PROPOSED BY: Golden King Crab Harvesters Association.

WHAT WOULD THE PROPOSAL DO? This proposal would allow 90-thread biodegradable cotton twine on Aleutian Island golden (AIG) king crab pots.

WHAT ARE THE CURRENT REGULATIONS? Statewide regulation 5 AAC 39.145 requires that king crab pots must have an 18-inch-long opening secured by a single length of 100 percent cotton, 30-thread twine, within six inches of the bottom of the pot. The degradation of twine is designed to release captured animals from lost or inactively worked pots in sufficient time to reduce or eliminate crab and fish mortality. The board has also allowed the use of a galvanic timed-release device, in place of 30-thread, designed to release in no more than 30 days. 5 AAC 39.675 (a) requires pots to be removed from the water or placed in long-term storage if left unattended for 14 days or longer. There are no pot limits for the AIG fishery.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? Participants in the AIG king crab fishery could use 90-thread biodegradable cotton twine rather than 30-thread twine. This biotwine may be replaced less frequently. Lost pots would ghost fish for greater periods of time, potentially increasing crab and fish mortality.

BACKGROUND: AIG king crab are fished in waters approximately 150 to 300 fathoms in depth. Because of strong currents and high relief bathymetry in the Aleutian Islands, pots are fished on a longline to reduce gear loss.

With implementation of crab rationalization in the 2005/2006 season, AIG king crab fleet size decreased while average number of pots deployed per vessel increased. In the eastern Aleutian Islands, average number of pots deployed per vessel during rationalized golden king crab fisheries nearly doubled compared to the pre-rationalization level (Table 300-1). In the western Aleutian Islands fishery, the number of pots per vessel increased by approximately 70 percent compared to the pre-rationalized fishery.

Crab rationalization has allowed AIG king crab vessel operators to fish at their own pace under a 9-month long fishing season, with little competition from other harvesters. This has led to an increase in the average soak time during the rationalized fishery. Average pot soak time in the eastern Aleutian Islands fishery more than tripled during the rationalized fishery and nearly doubled in the western Aleutian Islands fishery (Table 300-2).

Crab observer-collected data for 30-thread twine used in the AIG king crab fisheries indicate the mean time-to-release is between 39 days and 49 days during active fishing. A study 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 to 14 percent of its original maximum strength. The combined data suggest that the biodegradable 30-thread twines in the crab fishery released at 28 to 69 percent 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.

Higher thread-count twine can be expected to take significantly longer to degrade. Research on the degradation of 120-thread cotton twine in seawater showed that even after 115 days, the thread had not degraded enough to break. A comparison study implemented in the 2009/2010 AIG king crab fisheries suggests that the odds of twine release of 96-thread twine are only 6 percent of the odds of 30-thread twine release during active fishing.

Crab observers recorded 30-thread twine release rates of 1.8–8.8 percent during the 2008/2009 and 2009/2010 eastern and western Aleutian Islands golden king crab fisheries, with higher twine release rates associated with longer soak times (Table 300-3). Though some reduction in catch was associated with twine release, these data suggest an overall reduction of less than one percent in catch of legal retained crab as a result of twine release before 30-days soak time.

Pot loss in the AIG king crab fishery has decreased since crab rationalization began. No data on pot loss is available prior to the 2005/2006 season. Approximately 1.8 percent of pots used by the fleet were lost during the 2005/2006 season compared to approximately 0.8 percent lost during the 2009/2010 season. Nevertheless, the department is concerned that an increase in thread count of the biodegradable cotton twine utilized in the escape mechanism may cause greater mortality to crab and groundfish from pots that do become lost.

DEPARTMENT COMMENTS: The department **OPPOSES** any increase in the thread count of biodegradable cotton twine because department-collected data from the Aleutian Islands golden king crab fishery and from controlled experiments indicate that the currently-mandated 30-thread twine fully provides the durability consistent with regulatory intent, and that larger twine takes longer to degrade, and thus would potentially increase unobserved mortality in ghost fishing pots.

Gear modifications are a Fishery Management Plan Category 3 management measure.

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

Table 300-1.–Average pots deployed per vessel in the Aleutian Islands golden king crab fishery, 2000/2001 to 2009/2010 seasons.

Fishery season	Eastern Aleutian Islands average pots/vessel	Western Aleutian Islands average pots/vessel
2000-2001	707	743
2001-2002	680	943
2002-2003	623	1,038
2003-2004	695	1,190
2004-2005	693	1,230
Average	**680**	**1,029**
2005-2006	1,232	1,600
2006-2007	1,358	2,000
2007-2008	1,050	1,600
2008-2009	1,400	1,633
2009-2010	1,533	1,683
Average	**1,315**	**1,703**

Note: Rationalized fishery beginning with 2005/06 season.

Table 300-2.–Average soak times in hours and days in the eastern and western Aleutian Islands golden king crab fishery from the 2000/2001 to the 2009/2010 seasons.

Fishery season	Eastern Aleutian Islands		Western Aleutian Islands	
	Soak time (hours)	Soak time (days)	Soak time (hours)	Soak time (days)
2000-2001	111	4.6	230	9.7
2001-2002	106	4.4	295	12.3
2002-2003	98	4.1	291	12.1
2003-2004	97	4.0	322	13.4
2004-2005	88	3.7	279	11.6
Average	**100**	**4.2**	**283**	**11.8**
2005-2006	340	14.2	581	24.2
2006-2007	278	11.6	456	19.0
2007-2008	412	17.2	539	22.5
2008-2009	370	15.4	570	23.7
2009-2010	391	16.3	643	26.8
Average	**358**	**14.9**	**558**	**23.2**

Note: Rationalized fishery beginning with 2005/06 season.

Table 300-3.–Regulatory 30-thread biotwine status data from observer-sampled pot lifts in the 2008/2009 and 2009/2010 eastern and western Aleutian Islands golden king crab fisheries.

		Biotwine status		
Fishery[a]		Intact	Release	% Release
2008/09 East	Number of pots	602	11	1.8
	<30 days soak time	592	11	1.8
	≥30 days soak time	10	0	0
	Median soak time (days)	14	14	–
	CPUE[b]	28.8	8.1	–
2008/09 West	Number of pots	924	53	5.4
	<30 days soak time	712	16	2.2
	≥30 days soak time	212	37	14.9
	Median soak time (days)	21	39	–
	CPUE[b]	25.0	8.9	–
2009/10 East	Number of pots	373	36	8.8
	<30 days soak time	365	36	9.0
	≥30 days soak time	8	0	0
	Median soak time (days)	15	18	–
	CPUE[b]	25.5	24.4	–
2009/10 West	Number of pots	867	26	2.9
	<30 days soak time	594	1	0.2
	≥30 days soak time	293	25	7.9
	Median soak time (days)	23	44	–
	CPUE[b]	26.6	6.3	–

[a] The AIGKC fishery is managed as separate fisheries east and west of 174° W long.

[b] Legal retained crabs per pot lift.

PROPOSAL 304 – 5 AAC 35.527 (2). Tanner Crab Pot Storage Requirements for Registration Area J.

PROPOSED BY: Alaska Department of Fish and Game.

WHAT WOULD THE PROPOSAL DO? This proposal would modify Tanner crab pot storage requirements in the Eastern Aleutian District (EAD) Tanner crab fishery. Pot storage requirements would be aligned with the Tanner crab season rather than the red king crab season.

WHAT ARE THE CURRENT REGULATIONS? Current regulation allows Tanner crab pot storage in waters of not more than 25 fathoms deep from 30 days before the scheduled opening date of the red and blue king crab season through seven days after the closure of the Tanner crab season, 5 AAC 35.527 (2). The red king crab season may open by emergency order on October 15 (5 AAC 34.610 (a)). The EAD Tanner crab season is January 15–March 31 (5 AAC 35.510 (d)).

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? Tanner crab fishermen would be allowed to store Tanner crab pots from December 16 until the season opens on January 15, and up until seven days after the closure of the Tanner crab season.

Preseason in-water storage opportunity for Tanner crab pots in the EAD will be reduced from approximately three months prior to the opening of the Tanner crab season to one month prior to the opening of the Tanner crab season. Postseason Tanner crab pot storage will not change.

BACKGROUND: The EAD Tanner crab fishery has a fishery limit of 300 pots and occurs within state waters. Individual vessel pot limits are established by dividing 300 by the number of vessels registered preseason. No more than 50 pots may be operated from a single vessel. Average individual vessel pot limit for the 2006–2010 EAD Tanner crab seasons is 22 pots per vessel.

Given the relatively low pot limit for the EAD Tanner crab fishery and proximity of the fishing grounds to ports in the area, three months of preseason in-water gear storage time is not needed and may allow in-water storage of pot gear in areas where conflicts could occur with subsistence harvest activities. The concept of using the scheduled opening date of the king crab season as a reference point for start of Tanner crab gear storage is archaic because the red king crab fishery has been closed since the early 1980s and lengthy preseason in-water gear storage has caused confusion for fishermen and enforcement personnel.

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

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

Bering Sea Crab: (4 proposals)

PROPOSAL 301 – 5 AAC 35.506. Area J Registration.

PROPOSED BY: Rick Turvey, Independent Crabbers Cooperative.

WHAT WOULD THE PROPOSAL DO? This proposal would move the eastern boundary for the Bering Sea District directed Tanner crab fishery east from 163° W long to 159° W long, a distance of approximately 125 nautical miles (Figure 301-1).

WHAT ARE THE CURRENT REGULATIONS? The Bering Sea District Tanner crab fishing season is from October 15 through March 31 (5 AAC 35.510 (f)(1)). Tanner crab may be taken in a directed Tanner crab fishery between 163° W long and 166° W long (5 AAC 35.506 (i)(3); Figure 301-1). Additionally, Tanner crab may be retained during the Bristol Bay red king crab season (east of 166° W long), with an allowable limit up to 5 percent of the weight of the red king crab onboard the vessel and reported on an ADF&G fish ticket (5 AAC 35.506 (i)(2)), and provided the red king crab fisherman holds an individual fishing quota for Tanner crab as well as a Commercial Fisheries Entry Commission permit card for Tanner crab.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? Tanner crab fishermen would be able to participate in a directed Tanner crab fishery east of 163° W long, which is currently closed for protection of sublegal male and female red king crab. Handling and bycatch mortality of female and sublegal male red king crab would likely increase.

BACKGROUND: The eastern boundary for the directed Tanner crab fishery (163° W long) has been in place since 1993 and all waters east of 163° W long. are closed to directed fishing for Tanner crab. This boundary was based on crab-observer bycatch data indicating that the majority of red king crab bycatch in the Bering Sea Tanner crab fishery prior to 1993 came from waters east of 163° W long. Highest densities of immature red king crab and smaller mature female red king crab, which are susceptible to capture by pots with the current gear requirements for Tanner pots in the Bering Sea, tend to occur east of 163° W long, during the National Marine Fisheries Service (NMFS) Bering Sea bottom trawl survey.

Based on 2010 trawl survey information from NMFS, approximately 529,000 legal-sized male Tanner crab were estimated east of 163° W long. That represents 6.6 percent of the total Bering Sea population of legal-male Tanner crab and 12 percent of the legal-male Tanner crab in the area east of 166° W long.

Spawning biomass of Bristol Bay red king crab has decreased since 2008 and is projected to continue decreasing for the next several years. The department is opposed to any actions potentially hastening that decline through increased bycatch mortality.

The Bering Sea Tanner crab TAC has not been achieved the last several years due to a combination of factors, including limited participation, market considerations, and fishery timing. Factors contributing to underperformance of the fishery are not well understood;

however, recent commercial fishery catch rates are similar to, or above, those seen in the early to mid 1990s.

The Bering Sea Tanner crab stock was declared overfished by NMFS in 1998 when the total mature biomass was estimated below the minimum stock size threshold established in the federal crab Fishery Management Plan (FMP). The stock was managed under a rebuilding plan and attained rebuilt status in 2007. The 2010/2011 Bering Sea Tanner crab fishery was closed because the mature female biomass threshold was not met. National Marine Fisheries Service declared the Tanner crab stock overfished in fall 2010 and a rebuilding plan is under development, as well as a stock assessment model.

Gear conflicts may occur between the Tanner crab fishery and by vessels using trawl gear to target walleye pollock, Pacific cod, and rock sole. Groundfish fisheries are heavily concentrated in waters between 163° W long and 166° W long between January 20 and March 1.

NMFS has closed waters of Bristol Bay east of 162° W long to trawling to protect crab stocks (Nearshore Bristol Bay Trawl Closure Area). Bycatch of red king crab in the Tanner crab and groundfish trawl fisheries accrues toward the red king crab overfishing level.

DEPARTMENT COMMENTS: The department **OPPOSES** this proposal due to increased handling and mortality of red king crab.

Registration areas and subcomponents thereof are FMP Category 2 management measures.

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

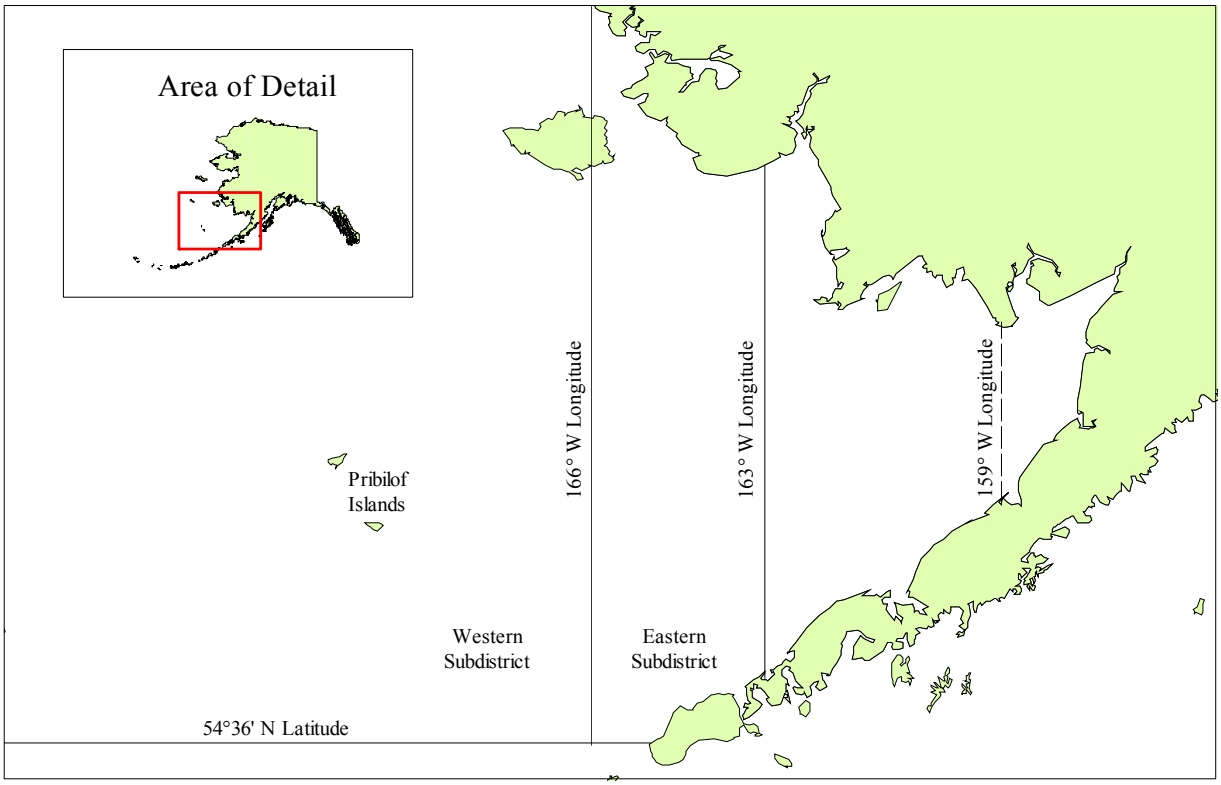

Figure 301-1.–Map of Bering Sea Tanner crab subdistricts with proposed 159° W long boundary depicted by dashed line.

PROPOSAL 305 – 5 AAC 34.910. Fishing Seasons for Registration Area Q.

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

WHAT WOULD THE PROPOSAL DO? This proposal would designate either September 15 or September 1 as the season opening date for Saint Matthew Island Section blue king crab fishery.

WHAT ARE THE CURRENT REGULATIONS? The Saint Matthew Island Section commercial blue king crab fishery opens on October 15 and remains open through February 1 (5 AAC 34.910 (c)). This blue king crab fishery was included in the crab rationalization program (5 AAC 39.670) and only fishermen holding individual fishing quota shares (IFQ) or Community Development Quota (CDQ) groups may participate in the commercial harvest.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? The Saint Matthew Island Section blue king crab fishery would open approximately 30 days earlier than current regulation.

Under the current process for establishing annual overfishing levels (OFLs), National Marine Fisheries Service completes survey operations in early August. Completed survey data are transferred to the department in late August, and department staff input recent survey data into the Saint Matthew Island Section blue king crab stock assessment model. Model results are reviewed at the Crab Plan Team meeting, typically the third week of September, to determine the current year OFL.

The annual Saint Matthew Island Section blue king crab OFL and annual catch limit (ACL) are recommended by the Scientific and Statistical Committee (SSC) of the North Pacific Fishery Management Council (NPFMC), and approved by the NPFMC during its early October meeting. To assure that total fishing mortality to the stock does not exceed the ACL, the department must establish the total allowable catch (TAC) for the fishery after the SSC has recommended the ACL.

If the proposal was adopted, the annual Saint Matthew Island Section blue king crab OFL, ACL, and TAC could not be determined using data from the most recent survey. Instead, only survey data collected through the year before the fishery could be used to determine the OFL, ACL, and TAC for the upcoming fishery.

BACKGROUND: Prior to the implementation of crab rationalization in 2005, the Saint Matthew Island Section blue king crab fishery opened on September 15. Under Amendment 24 to the Bering Sea/Aleutian Islands Fishery Management Plan (FMP), OFLs for FMP crab stocks must be established annually. Amendment 38 to the FMP requires that ACLs be set annually for each crab stock, thereby adding to the fall analytical burden. The TAC may not be set by the department before the ACL is established.

The Saint Matthew Island blue king crab stock was declared overfished under federal criteria in 1999 and declared rebuilt under federal criteria in 2009. The 2009/2010 season was the first season that the fishery was opened to commercial fishing since the close of the 1998 season.

During the 2009/2010 Saint Matthew Island blue king crab fishery season, seven vessels harvested approximately 29 percent of the TAC. Catch per unit of effort (CPUE) during the 2009/2010 fishery was 10 legal crabs per pot lift, which is slightly below the 1989–1998 average CPUE of 11 legal crabs per pot lift. The bycatch rate of females, however, was estimated to be low during the 2009/2010 season relative to those estimated for the fishery during the 1990s. Landings peaked during the first half of November and all fishing activity ceased before the end of November. In general, fishing activity was concentrated southwest of Saint Matthew Island and occurred further offshore than typically observed in the 1990s.

The crab rationalization program allows harvesters the flexibility to add additional vessels to the fleet in order to harvest the TAC within the existing season dates, or to use all of the available season to conduct harvesting operations.

Harvest increased in the 2010/2011 season to 1.3 million pounds, or 79 percent, of the TAC. Catch rates and location were similar to the 2009/2010 season, at 10 legal crabs per pot lift taken primarily from southwest of St. Matthew Island. Fishing effort began at the season opening on October 15 and was concluded by the end of November. Five more vessels participated in the 2010/2011 season than in 2009/2010.

DEPARTMENT COMMENTS: The department is **OPPOSED** to this proposal. A season opening date earlier than October 15 does not allow adequate time to complete stock assessment, nor allow time for the federal process of establishing OFL and ACL that must occur prior to TAC setting. Because of new ACL requirements, the TAC will be announced to the public in early October, after the SSC has recommended the ACL. Additionally, bycatch estimates from the 2009/2010 fishery in comparison to those from the 1990s suggest that both a September 1 and a September 15 opening date are associated with a higher bycatch rate of females than the present October 15 opening date.

Fishing seasons are a Category 2 management measure under the FMP for Bering Sea/Aleutian Islands king and Tanner crabs.

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

PROPOSAL 306 – 5 AAC 39.145. Escape mechanism for shellfish and bottomfish pots.

PROPOSED BY: Kevin Bopp.

WHAT WOULD THE PROPOSAL DO? In the Nome winter commercial and subsistence king crab fisheries, require a galvanic timed release device on crab pots.

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 (GTR) 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 commercial and subsistence crab fishermen to use GTR devices on crab pots, instead of the 30-thread or less cotton twine now required.

BACKGROUND: Numerous crab pots may be lost during the winter if ice moves due to wind events. There is the possibility of ghost fishing crab pots if the pot were undamaged when dragged across the bottom by shifting ice and deposited on the sea floor in fishing position. Reports from some fishermen indicate that they have replaced the 30-thread cotton twine approximately each month in their crab pots. Breakdown of cotton twine may also be dependent on how frequently pot lifts occur and the pot load creating stress on the twine. Also, if fishermen mistakenly use treated cotton twine or twine with nylon present, then the twine will take longer to break down.

DEPARTMENT COMMENTS: The department is **OPPOSED** to this proposal. GTR devices would be more difficult for fishermen to obtain and use than cotton twine, and the effectiveness of a GTR device may be mitigated by tangling. The possibility exists that the GTR device may not unravel because the ends of the device may get snagged on the webbing and will not slide through to create the required 18-inch opening. A GTR device 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 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. GTR devices timed for failure in 30 days require a special factory order. One company quote required a minimum purchase of 10 GTR devices at a cost of $15/each for a total of $150. Another company quote was for a GTR device timed for failure in 21 days and could be purchased for $2/each with a minimum purchase of $26.

SUBSISTENCE REGULATION REVIEW:

1. Is this stock in a nonsubsistence area? No.

2. Is the stock customarily and traditionally taken or used for subsistence? Yes. The board made a positive customary and traditional use determination for all shellfish in the Bering Sea Area, including those waters that drain into the Bering Sea (5 AAC 02.608).

3. Can a portion of the stock be harvested consistent with sustained yield? Yes.

4. What amount is reasonably necessary for subsistence use? The board adopted amounts necessary for subsistence findings for shellfish in the Bering Sea at its December 1997 meeting in Fairbanks. These findings have not been codified to date, but remain administrative findings as per the process used before 2000, when ANS findings began to be codified. In the Norton Sound-Port Clarence area, this administrative ANS is 52,323 pounds to 87,205 pounds of shellfish, all species combined.

5. Do the regulations provide a reasonable opportunity for subsistence use? This is a board determination.

6. Is it necessary to reduce or eliminate other uses to provide a reasonable opportunity for subsistence use? This is a board determination.

PROPOSAL 307 – 5 AAC 35.520. Size Limits for Registration Area J (b)(1) and 5 AAC 35.508. Bering Sea District *C. bairdi* Tanner Crab Harvest Strategy.

PROPOSED BY: Alaska Crab Coalition.

WHAT WOULD THE PROPOSAL DO? This proposal would reduce the minimum legal size limit for Tanner crab in the Bering Sea District and modify the harvest strategy to account for the new size limit.

WHAT ARE THE CURRENT REGULATIONS? The current minimum legal size limit for Bering Sea District Tanner crab is 5.5 inches carapace width (CW) (5 AAC 35.520 (b)(1)). Mature males in the Bering Sea District Tanner crab harvest strategy are defined as 4.4 inches CW (5 AAC 35.508(g)(3)). The Bering Sea Tanner crab stock has separate harvest levels for east and west of 166° W long (5 AAC 35.508 (b)).

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? The proposal suggests lowering the minimum legal size limit for Bering Sea Tanner crabs. However, no alternative size limit is provided in the proposal. The department has analyzed size at maturity data for Tanner crab in the Bering Sea. The department recommends minimum size limits for retention equal to 4.4 inches CW in the area east of 166° W long, and 4.0 inches CW in the area west of 166° W long. Exploitation rates in the areas east and west of 166° W long are applied to the biomass of "exploited legal males" with exploited legal males defined as males greater than or equal to 5.5 inches CW in the area east of 166° W long and greater than or equal to 5.0 inches in the area west of 166° W long. Reducing the size definition of exploited legal males in the area west of 166° W long from 5.5 inches CW to 5.0 inches CW will allow for a larger portion of the mature biomass to consist of exploited legal males and would reduce the harvest rate on the larger, faster-growing males in that area. Lowering the minimum legal size for retention relative to the minimum legal size of exploited legal males would reduce bycatch.

Although maintaining current gear escape requirements would increase yield and spawning biomass per recruit, the escape mechanisms could be adjusted west of 166° W long to reflect the lower minimum size limit.

BACKGROUND: Bering Sea District Tanner crabs are managed using a three-part harvest approach: (1) size/sex/season component, (2) variable harvest rate, and (3) federal requirements to prevent overfishing.

The size/sex/season component restricts harvest to legal males with a closed period during the mating and molting cycle and avoids times when market value and meat yield are low. The minimum legal size limit was established in 1976 for two purposes: (1) the intent to preserve a broodstock by allowing males to remain at liberty for at least one year after reaching maturity and (2) reducing wastage by restricting harvest to only those large male crabs considered acceptable to processors. This size limit was based on the assumption that male Tanner crabs would continue to molt after reaching maturity. In the time since the current legal size limit and harvest strategy for Bering Sea District Tanner crab were established, however, it has become recognized that male Tanner crabs do not continue to molt after the molt to maturity, suggesting

that the size limit and harvest strategy for Bering Sea Tanner crabs should be revisited. Male Tanner crabs near the Pribilof Islands tend to reach maturity at a size approximately 10 millimeters below those in Bristol Bay. However, the legal size limit in the commercial fishery is the same for both areas. As a result, a smaller portion of the mature-sized males west of 166° W long. are legal-sized than in the area east of 166° W long.

The total allowable catch is based on a variable harvest rate strategy featuring a population threshold, variable mature male harvest rates, and a cap on legal male harvest rate. Maximum harvest rate is 20 percent of the mature-size male abundance and no more than 50 percent of the exploitable legal male abundance.

Further federal management measures include a federal overfishing level (OFL), biomass at maximum sustainable yield (B_{MSY}), minimum stock-size threshold (MSST), and B_{MSY} fishing mortality rate, as well as an annual catch limit (ACL) requirement.

The Bering Sea Tanner crab stock was declared overfished by NMFS in 1998 when the total mature biomass was estimated below the minimum stock size threshold established in the federal crab FMP. The stock was managed under a rebuilding plan and attained rebuilt status in 2007. The 2010/2011 Bering Sea Tanner crab fishery was closed because the mature female biomass threshold was not met. National Marine Fisheries Service declared the Tanner crab stock overfished in fall 2010, and a rebuilding plan is under development as well as a stock assessment model.

Recent research indicates size-at-maturity for male Tanner crabs in Bristol Bay has declined significantly since 1990 and for females in both the Pribilof area and Bristol Bay. Given reduced size at maturity, the current legal size limit likely provides additional reproductive safeguards at low stock sizes, but also results in foregone yield of smaller, mature-sized males and may result in excessively high harvest rates on males that mature at larger sizes.

DEPARTMENT COMMENTS: The department **SUPPORTS** this proposal. Minimum size limits and harvest limits are a Category 2 management measure under the FMP for Bering Sea/Aleutian Islands king and Tanner Crabs.

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

Observer Program: (2 proposals)

PROPOSAL 302 – 5 AAC 39.143 (f)(2), (j)(1)(2)(3)(6)(8), and (k). Onboard Observer Certification and Decertification.

PROPOSED BY: Alaska Department of Fish and Game.

WHAT WOULD THE PROPOSAL DO? This proposal would clarify shellfish observer certification and decertification requirements with regard to assignments provided by the department to observers, use of alcohol or illegal use of controlled substances by the observer while deployed to a vessel, and clarifying behavior standards for judgment and sexual relations.

The proposal allows for assigning observer tasks verbally, in person, by telephone, or electronic means of communication. The proposal also allows for decertification due to use of alcohol or illegal use of controlled substances while deployed to a vessel, as well as exhibition of violence and other unacceptable behaviors.

WHAT ARE THE CURRENT REGULATIONS? Onboard observer certification regulation 5 AAC 39.143 provides regulatory measures for determining observer certification, decertification, and demotion.

Subsection (f)(2) allows certification of a crab observer trainee who has satisfactorily completed tasks which were assigned in writing.

Subsection (j)(1) allows decertification of an observer if an observer fails to satisfactorily complete tasks which were assigned in writing.

Subsection (j)(2) allows decertification of an observer if the observer's ability to complete assigned tasks is impaired due to use of alcohol or a controlled substance.

Subsection (j)(3) allows decertification of an observer for engaging in violent or criminal behavior that could endanger a person or property on the assigned vessel or that prevents the observer from performing tasks according to the standards of the onboard observer manual.

Subsection (j)(6) allows decertification of an observer for engaging in emotional or sexual relations with a person on board the assigned vessel in a manner that interferes with the observer's ability to perform according to the standards of the onboard observer manual.

Subsection (j)(8) allows decertification of an observer for exhibiting poor judgment or unprofessional behavior that significantly interferes with the observer's ability to perform assigned tasks or results in a breach of confidentiality, lack of observer coverage, or other actions detrimental to the observer program.

Subsection (k) allows demotion of a certified observer to trainee status for failure to satisfactorily perform assigned tasks specified in writing by the department, if the failure occurs after the

department has notified the observer in writing that the observer's performance of assigned tasks has been deficient.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? If adopted, the effects would be as follows:

Subsection (f)(2): the department would have regulatory authority to withhold certification of an observer who failed to complete all tasks assigned not only in writing, but also verbally in-person, or during radio, telephone, or other electronic means of communication during an observer's deployment.

Subsection (j)(1): the department would have regulatory authority to decertify an observer who failed to complete all tasks assigned in not only writing, but also verbally in-person, or during radio, telephone, or other electronic means of communication during an observer's deployment.

Subsection (j)(2): the department would have regulatory authority to decertify an observer for use, possession or being under the influence of alcohol or an illegal controlled substance on board the assigned vessel, boarding any vessel under the influence of alcohol or an illegal controlled substance, missing an appointment with ADF&G due to alcohol or an illegal controlled substance, or attending an appointment with ADF&G under the influence of alcohol or an illegal controlled substance.

Subsection (j)(3): the department would have regulatory authority to decertify an observer due to violent or criminal behavior, including behavior that could endanger a person or property on the assigned vessel or that interferes with the observer's duties.

Subsection (j)(6): the department would have regulatory authority to decertify an observer for engaging in any sexual relations with anyone affiliated with the observer's assigned vessel (employee, operator, crew member, officer, director, agent, owner, or shareholder) during an observer's deployment, whether or not the relations interfere with the observer's ability to perform assigned tasks.

Subsection (j)(8): the department would have regulatory authority to decertify an observer for exhibiting poor judgment or unprofessional behavior if it interferes with the observer's duties, results in a breach of confidentiality, lack of observer coverage, or other actions detrimental to the observer program or the department, whether or not the behavior significantly interferes with the observer's ability to perform assigned tasks.

Subsection (k): the department would have regulatory authority to demote a certified observer who failed to complete all tasks assigned not only in writing, but also verbally in-person, or during radio, telephone, or other electronic means of communication during the observer's deployment.

BACKGROUND: This proposal would help assure better fisheries data collection for the purpose of management and research through clarified standards of behavior for observers who are deployed on commercial fishing vessels as representatives of the department.

The department has limited recourse to withhold certification from, or to decertify observers who do not adhere to verbal directives, whose behavior is violent, criminal, or unprofessional, and detrimental to the department. The ability to remove individuals who are violent, criminal, or exhibit poor judgment or unprofessional behavior from the observer program would serve to improve the observer program and its relationship with the fishing fleet. An observer engaging in violent or criminal behavior is unacceptable, even if data collection and vessel personnel or property are not at risk. Endangering any persons or property, whether they belong to the observer's assigned vessel or not, is unacceptable and a detriment to the department's reputation.

Current regulation reads that poor judgment by an observer must significantly interfere with the observer's ability to complete assigned duties in order to decertify the observer. This regulation wording requires that the department define and prove "significant". We propose to omit the word "significantly".

Current regulation restricts demotion or decertification of a certified observer to trainee status for failure to perform tasks assigned in writing and does not take into account that assignments must be relayed to observers verbally via radio, telephone, or other electronic means of communication while the observer is deployed to a vessel. By regulation, a certified observer may spend up to 120 days at sea without a face-to-face midtrip debriefing with observer program staff. While an observer is on a long, remote deployment, the observer program is usually only able to communicate with the observer through electronic means.

Boarding a vessel under the influence of alcohol or an illegal controlled substance is a considerable safety hazard and liability.

Current regulation could be interpreted to mean that sexual relations with anyone affiliated with the vessel (employee, operator, crew member, officer, director, agent, owner, or shareholder) during the deployment are appropriate as long as they do not take place on board the vessel. The current regulation also infers that sexual relationships with affiliated vessel personnel are appropriate as long as they do not interfere with the observer's duties. Any sexual relationship between an observer and affiliated vessel personnel during the observer's deployment is a direct conflict of interest, and observers who engage in sexual relationships with affiliated vessel personnel are not comporting themselves professionally and in the best interest of the department in order to collect unbiased data.

DEPARTMENT COMMENTS: The department submitted and **SUPPORTS** this proposal. This proposal seeks to refine regulation language and is intended to assure the safety of observers, integrity of the observer program and accuracy of observer-collected data. State observer requirements are a Category 3 management measure under the *Fishery Management Plan for Bering Sea/Aleutian Islands King and Tanner Crabs*.

The following draft regulatory language is provided for subsections (j)(1), (j)(2), and (j)(6).

Substitute regulatory language for (j)(l), to be consistent with proposed language for subsection (f)(2): (j)(1) [SIGNIFICANT OR CONSISTENT] failure to satisfactorily complete [OBSERVER TRIP] **all** assigned tasks specified **by the department** in writing, **or assigned**

verbally in person, or during radio, telephone, or other electronic communication transmission while the observer is deployed to a vessel [BY THE DEPARTMENT];
Substitute regulatory language for (j)(2), to allow decertification of an observer for boarding the assigned vessel under the influence of alcohol or an illegal controlled substance: (j)(2) [IMPAIRMENT OF THE OBSERVER'S ABILITY TO COMPLETE ASSIGNED TASKS DUE TO] use**, possession or being under the influence** of alcohol or an illegal controlled substance **on board the assigned vessel, boarding any vessel under the influence of alcohol or an illegal controlled substance, missing an appointment with ADF&G due to alcohol or an illegal controlled substance, or attending an appointment with ADF&G under the influence of alcohol or an illegal controlled substance;**

Substitute regulatory language for (j)(6), "emotional relationships" should be removed from regulation as the wording is ambiguous and difficult to interpret: (f)(6) engaging in [EMOTIONAL OR] sexual relations with [A PERSON ON BOARD THE ASSIGNED VESSEL IN A MANNER THAT INTERFERES WITH THE OBSERVER'S ABILITY TO PERFORM ACCORDING TO THE STANDARDS OF THE ONBOARD OBSERVER MANUAL] **an employee, operator, crew member, officer, director, agent, owner, or shareholder of the assigned vessel during the 'deployment' period as defined in the Crab Observer Training and Deployment Manual;**

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

PROPOSAL 303 – 5 AAC 39.645 (l)(4). Shellfish Onboard Observer Program.

PROPOSED BY: Alaska Department of Fish and Game.

WHAT WOULD THE PROPOSAL DO? This proposal would add a vessel's crew and other persons affiliated with the vessel to the list of individuals prohibited from interfering with observer duties or sampling procedures, tampering with observer samples or equipment, or harassing a deployed observer.

WHAT ARE THE CURRENT REGULATIONS? Current regulation prohibits the vessel owner, owner's agent, or operator from interfering with observer duties or sampling procedures, tampering with observer samples or equipment, or harassing a deployed observer; however, it does not mention the vessel's crew.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? If adopted, the proposed regulation language would make it possible to prosecute crew members and other people affiliated with the vessel (i.e., employee, crew member, officer, director, agent, owner, or shareholder of the vessel) for harassment of a shellfish observer.

BACKGROUND: Current regulation does not mention the vessel's crew or other affiliated persons as those prohibited from harassing an observer. In order to protect an observer's safety, the integrity of the observer program, and accuracy of collected data it is necessary to add other person affiliated with the vessel to the list of those who may not harass an observer.

DEPARTMENT COMMENTS: The department submitted and **SUPPORTS** this proposal. State observer requirements are a Category 3 management measure under the *Fishery Management Plan for Bering Sea/Aleutian Islands King and Tanner Crabs*.

The following draft regulatory language is provided for subsection (l).

(*l*) When a vessel is required to carry an onboard observer, **an employee, operator, crew member, officer, director, agent, owner, or shareholder of the assigned vessel** [THE VESSEL OWNER, OWNER'S AGENT, OR OPERATOR,] may not: …

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

Bristol Bay Salmon: (1 proposal)

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

PROPOSED BY: Alaska Department of Fish and Game.

WHAT WOULD THE PROPOSAL DO? This proposal would allow either permit holder in a joint operation of drift gillnet gear to register the termination of that operation.

WHAT ARE THE CURRENT REGULATIONS? Current regulations require both permit holders in a joint operation of drift gillnet gear to register the termination of that operation.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? If adopted, this proposal would streamline termination of a joint operation of drift gillnet gear by allowing either member of the partnership to terminate the partnership.

BACKGROUND: At the December 2009 board meeting during discussion of Proposal 25, substitute language was submitted by the department and CFEC, and subsequently adopted, to facilitate the tracking of dual permit use in Bristol Bay. During the 2010 fishing season, some dual permit operations experienced difficulty terminating joint operation according to regulation because of the requirement that both permit holders must register the date and time of termination. The objective of tracking dual permit use and termination can be better accomplished by allowing either party in a dual permit partnership to terminate the joint operation.

DEPARTMENT COMMENTS: The department submitted this proposal and **SUPPORTS** it. By allowing either member of a dual permit partnership to terminate a joint operation of drift gillnet gear, potential problems in the transfer of the affected permits from one district to another would be eliminated. Additionally, the state would be better able to monitor and evaluate this regulatory tool.

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

Aleutian Islands Groundfish: (1 proposal)

PROPOSAL A – 5 AAC 28.087 (b) Management Measures in Parallel Groundfish Fisheries for Protection of Steller Sea Lions.

PROPOSED BY: Alaska Board of Fisheries.

WHAT WOULD THE PROPOSAL DO? The board adopted an emergency regulation on January 19, 2011, that allowed trawl, pot, and jig gear vessels 60 feet or less in overall length, and longline vessels 58 feet or less, operating in the parallel Pacific cod fishery in the central Aleutian Islands from 175° W long to 178° W long to fish according to 2010 Steller sea lion restrictions.

This proposal provides the board an opportunity to determine if the emergency regulation should be made permanent. In addition, National Marine Fisheries Service has requested that waters within three nautical miles of the Steller sea lion rookery at Kanaga Island/Ship rock be closed to all commercial fishing. The board has closed the waters within three nautical miles of Kanaga Island/Ship Rock to state-waters Pacific cod and state-waters sablefish; however, when the emergency regulation was adopted, waters within three nautical miles of Kanaga island/Ship Rock were placed under the 2010 Steller sea lion protection measures for small vessels which closed those waters to only trawl gear.

WHAT ARE THE CURRENT REGULATIONS? The parallel Pacific cod fishery from 175° W long to 178° W long is currently open via emergency regulation to vessels 60 feet or less using trawl pot, and jig gear, and to vessels 58 feet or less using longline gear under 2010 Steller sea lion restrictions. The emergency regulation expires on May 20, 2011.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? If adopted, this proposal would make permanent the emergency regulation.

BACKGROUND: Alaska Department of Fish and Game issued an emergency order on January 21, 2011, revising Steller sea lion (SSL) reasonable and prudent alternatives (RPAs) to reflect SSL RPAs in effect during 2010 for the parallel Pacific cod fishery in the Aleutian Islands from 175° W long to 178° W long. Vessel size in the parallel Pacific cod fishery in this area is restricted to 60 feet or less for trawl, pot, mechanical jigging machine gear, and hand troll. Vessels using longline gear may not exceed 58 feet in overall length.

Federal regulations implementing SSL protection measures for Pacific cod in state waters between 175° W long to 178° W long are located in Table 5 of 50 CFR Part 679 (69 FR 75865, December 20, 2004) posted on the NMFS web site (http://www.fakr.noaa.gov/index/frules/frules.asp?Yr=2004). Fishermen, except jig gear operators, are required to adhere to vessel monitoring system requirements while fishing for Pacific cod. Previously announced fishing seasons, area closures, bycatch limits, and gear and vessel size restrictions for parallel Pacific cod for the remainder of the Aleutian Islands remain in effect.

Groundfish fisheries in state waters often target the same stocks harvested under federal regulations in adjacent waters of the exclusive economic zone (EEZ). In state waters of the Aleutian Islands, Pacific cod fisheries are managed during a state-waters season (5 AAC 28.647) with a guideline harvest level based on three percent of the federal Bering Sea-Aleutian Islands (BSAI) Pacific cod acceptable biological catch (ABC).

Pacific cod fisheries are also managed during a parallel Pacific cod season (5 AAC 28.086). Harvests of Pacific cod during the parallel fishery accrue towards the federal Pacific cod total allowable catch (TAC). During a parallel fishery, the state generally mirrors the seasons, bycatch, vessel size, and legal gear types of the adjacent federal waters Pacific cod fishery, except where superseded by other groundfish regulations.

In waters of Sitkin Sound near Adak Island in the parallel Pacific cod fishery, Pacific cod may be taken with trawl, pot, mechanical jig, and hand troll gear by vessels 60 feet in length or less, and by vessels using longline gear that are 58 feet in length or less (5 AAC 28.629 (d) and 5 AAC 28.690 (a and c); Figure 1). In waters near Adak Island, excluding Sitkin Sound, during the parallel Pacific cod fishery, Pacific cod may be taken from May 1 through September 15 with pots, mechanical jig, and hand troll gear by vessels less than or equal to 60 feet in length, and by longline vessels 58 feet or less in length (5 AAC 28.629 (e) and 5 AAC 28.690 (b and c)).

The board has also authorized the commissioner of ADF&G, under 5 AAC 28.087 *Management Measures in Parallel Groundfish Fisheries for Protection of Steller Sea Lions,* to adopt by emergency order, the federal restrictions for protection of SSL in parallel Pacific cod, Atka mackerel, and walleye pollock fisheries; however, the board has not adopted two SSL RPA haulouts in the Gulf of Alaska parallel Pacific cod fishery: Cape Barnabas in the Kodiak Area and Caton Island in the South Alaska Peninsula Area (5 AAC 28.087 (b) (1 and 2)).

From 2006 to 2010, in the Aleutian Islands west of 170° W long, an average of 4.8 million pounds of Pacific cod were taken during parallel seasons (Table A-1). Considering the proposal area, 175° W long to 178° W long, during 2006–2010, an average of 2.7 million pounds was taken in the parallel fishery (Table A-2), representing an average of 56 percent of all parallel Pacific cod harvests west of 170° W long. Trawl gear, on average, harvests 58 percent of the parallel Pacific cod in the area (Table 2), pot gear 25 percent, longline gear 14 percent, and jig gear 2 percent. Vessels less than or equal to 60 feet in length take 30 percent of the parallel Pacific cod harvest from 175° W long, to 178° W long (Table 3), and vessels less than or equal to 60 feet take 17 percent of the parallel Pacific cod harvest in the Aleutian Islands west of 170° W long. Most (86 percent) of the harvest in the parallel Pacific cod fishery by vessels 60 feet in length or less occurs prior to June 10 (A season).

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

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

Table A-1.–Aleutian Islands Pacific cod harvest in pounds, by gear type, west of 170° W long, during the 2006–2010 parallel fishery.

Year	Trawl	Longline	Pot	Jig	Hand troll	Total
2006	1,415,468	551,065	909,180	15,854	0	2,891,567
2007	3,696,619	776,886	380,927	1,608	0	4,856,040
2008	2,502,368	1,309,761	2,840,455	303,964	0	6,956,548
2009	1,589,287	110,097	1,585,571	0	0	3,284,956
2010	2,959,672	1,891,559	1,261,028	0	0	6,112,258
Average	2,432,683	927,874	1,395,432	64,285	0	4,820,274
Percent	50.5	19.2	28.9	1.3	0.0	100.0

Table A-2.–Aleutian Islands Pacific cod harvest in pounds, by gear type, 175° W long, to 178° W long, during the 2006–2010 parallel fishery.

Year	Trawl	Longline	Pot	Jig	Hand troll	Total
2006	1,415,468	488,891	909,180	15,854	0	2,829,393
2007	2,926,270	290,392	160,272	1,608	0	3,378,543
2008	1,151,168	488,155	1,220,968	303,964	0	3,164,255
2009	1,194,264	26,751	480,833	0	0	1,701,849
2010	1,215,086	604,094	667,176	0	0	2,486,356
Average	1,580,451	379,657	687,686	64,285	0	2,712,079
Percent	58.3	14.0	25.4	2.4	0.0	100.0

COMMITTEE A: GULF OF ALASKA CRAB
(14 PROPOSALS)

Cook Inlet Tanner Crab: (3 proposals)

PROPOSAL 316 – 5AAC 35.410. Fishing Seasons for Registration Area H.

PROPOSED BY: Garland Blanchard.

WHAT WOULD THE PROPOSAL DO? This proposal seeks to open a commercial crab season in the Cook Inlet Area.

WHAT ARE THE CURRENT REGULATIONS? The Cook Inlet Tanner crab harvest strategy (5 AAC 35.408) establishes minimum abundance thresholds for legal male Tanner crab before a commercial fishery may open. These thresholds are 500,000 legal males in the Southern District and 700,000 legal males in the combined Kamishak and Barren Islands districts. Regulations also stipulate that a subsequent fishery may not reduce abundance below these threshold levels. Similarly, the harvest strategy establishes criteria under which noncommercial fisheries may not open. Within Kachemak Bay, noncommercial fisheries will not open if legal male abundance averages less than 100,000 for the recent five years, is less than 100,000 for three consecutive years, or is less than 50,000 in that year. Outside of Kachemak Bay, noncommercial fisheries will not open if the five-year average abundance of legal-sized male crab is less than 50,000 or abundance is less than 40,000 in that year.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? Adoption of this proposal would result in reallocation of the Cook Inlet Tanner crab resource and would require rewriting the management strategy to adjust fishery thresholds and associated management measures.

BACKGROUND: The Cook Inlet Tanner crab harvest strategy requires that legal male crab abundance thresholds are met before commercial or noncommercial (sport, personal use, or subsistence) fisheries may occur. Since the strategy was adopted in 2002, commercial thresholds have not been attained. However, noncommercial thresholds were attained and seasons opened during 2008 to present. Legal male abundance areawide has ranged from a low of 46,000 in 2005 to a high of 239,000 in 2006. Under current stock abundance conditions, the strategy sets a 10 percent harvest rate of the recent five-year average of legal male abundance. This approach provided for areawide total allowable harvests of approximately 30,000–47,000 crab during the recent three seasons. The minimum abundance threshold criteria in the harvest strategy are designed to provide for noncommercial fisheries when abundance is relatively low and to provide for both noncommercial and commercial fisheries when abundance is higher and an economic opportunity exists.

DEPARTMENT COMMENTS: The department is **OPPOSED** to opening a commercial fishery under the current harvest strategy criteria, that is, when abundance is below established thresholds. Allowing both commercial and noncommercial fisheries for the current small

allowable harvest would be unmanageable. However, the department is **NEUTRAL** on the allocative elements of this proposal.

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

PROPOSAL 317 – 5AAC 77.516. Personal Use Tanner Crab Fishery

PROPOSED BY: Al Ray Carrol.

WHAT WOULD THE PROPOSAL DO? This proposal would establish new personal use Tanner crab season dates of October 1–April 15.

WHAT ARE THE CURRENT REGULATIONS? Current season dates are July 15–March 15 with a January 1–15 closure in Kachemak Bay water (areas D and E). Daily bag and possession limits are five Tanner crab in all areas (Figure 317-1). Pots are limited to two per person and no more than two per vessel. A harvest recording form is required and must be completed before leaving the location of harvest. Reported information includes catch, harvest, and harvest location information.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? This proposal would change the personal use season opening date from July 15 to a later date by two and one-half months and alter the season closure date to one month later in spring. Overall, personal use Tanner crab season length would be reduced by one and one-half months. This would likely result in reduced participation and harvest due to the loss of summer fishing time during July and August. It would also result in inconsistent seasons for noncommercial uses in the same areas.

BACKGROUND: The Cook Inlet Tanner crab harvest strategy requires legal male crab abundance thresholds are met before commercial or noncommercial (sport, personal use, or subsistence) fisheries may occur. Since the strategy was adopted in 2002, commercial thresholds have not been attained. However, noncommercial thresholds were attained and seasons opened during 2008 to present. Under current stock abundance conditions the strategy allows harvest of 10 percent of the recent five-year average of legal male abundance (Table 317-1). Noncommercial Tanner crab season dates are designed to avoid the Tanner crab mating, molting, and soft-shell period in spring and early summer.

Kachemak Bay is the focal area of the Cook Inlet noncommercial fisheries, which average 90 percent or more of both harvest and effort in a year (Tables 317-2 and 317-3). Annual harvest and effort during the July 15–August 31 portion of the season account for a large proportion of the total for areas D and E (Table 317-2, Figure 317-2). Noncommercial fisheries exceeded allowable harvest levels in Kachemak Bay waters during the 2008–2009 and 2009–2010 seasons (Table 317-1). In response to this, daily bag and possession limits were reduced by emergency order from five to four in the Cook Inlet portion (reporting areas A, B, D, and E) of the management area during the 2010–2011 season (Figure 317-1). Harvests outside of Kachemak Bay (Cook Inlet and North Gulf Coast) are low and have not approached allowable levels due to more accessible concentrations of Tanner crab in Kachemak Bay near Homer. Other factors influencing harvest levels include distance of other fishing areas from ports and apparent low crab abundance in some areas.

The 2010–2011 personal use Tanner crab season will close March 15. Receipt and processing of harvest reports for the July through December 2010 portion of the season is ongoing. Assessing

the effect of the reduced bag limit will remain incomplete until the season closes and the final harvest is estimated.

DEPARTMENT COMMENTS: The department is **NEUTRAL** on this allocative proposal. Opportunity would likely be reduced under the proposed season dates because some users may have difficulty accessing the fisheries due to distance from Homer or weather constraints in fall. Given the necessity to reduce the bag limit, a shorter season may reduce the likelihood of exceeding allowable harvests. A later season start date would likely improve quality of crab as recently molted soft-shelled crab fill in their shells with new muscle. The department **OPPOSES** a later closure due to the potential for damage and mortality to mating, molting, and soft-shelled crab and due to creation of inconsistent season dates for noncommercial uses in the same areas.

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

Table 317-1.–Cook Inlet noncommercial Tanner crab permit results, guideline harvest levels (GHL), and harvests, 2008–2010.

				Number of crab			
	Permits			Kachemak Bay		Other areas	
Year	Issued	Returned	% Returned	GHL	Harvest	GHL	Harvest
2008–09	1,611	1,394	87%	13,373	16,185	16,212	832
2009–10	1,457	1,337	92%	14,860	20,645	20,797	1,905
2010–11	1,337	1,006	75%	18,284	NA[a]	28,984	NA[a]

[a] The 2010–11 fishery ongoing; updated harvest information may be available at the board meeting.

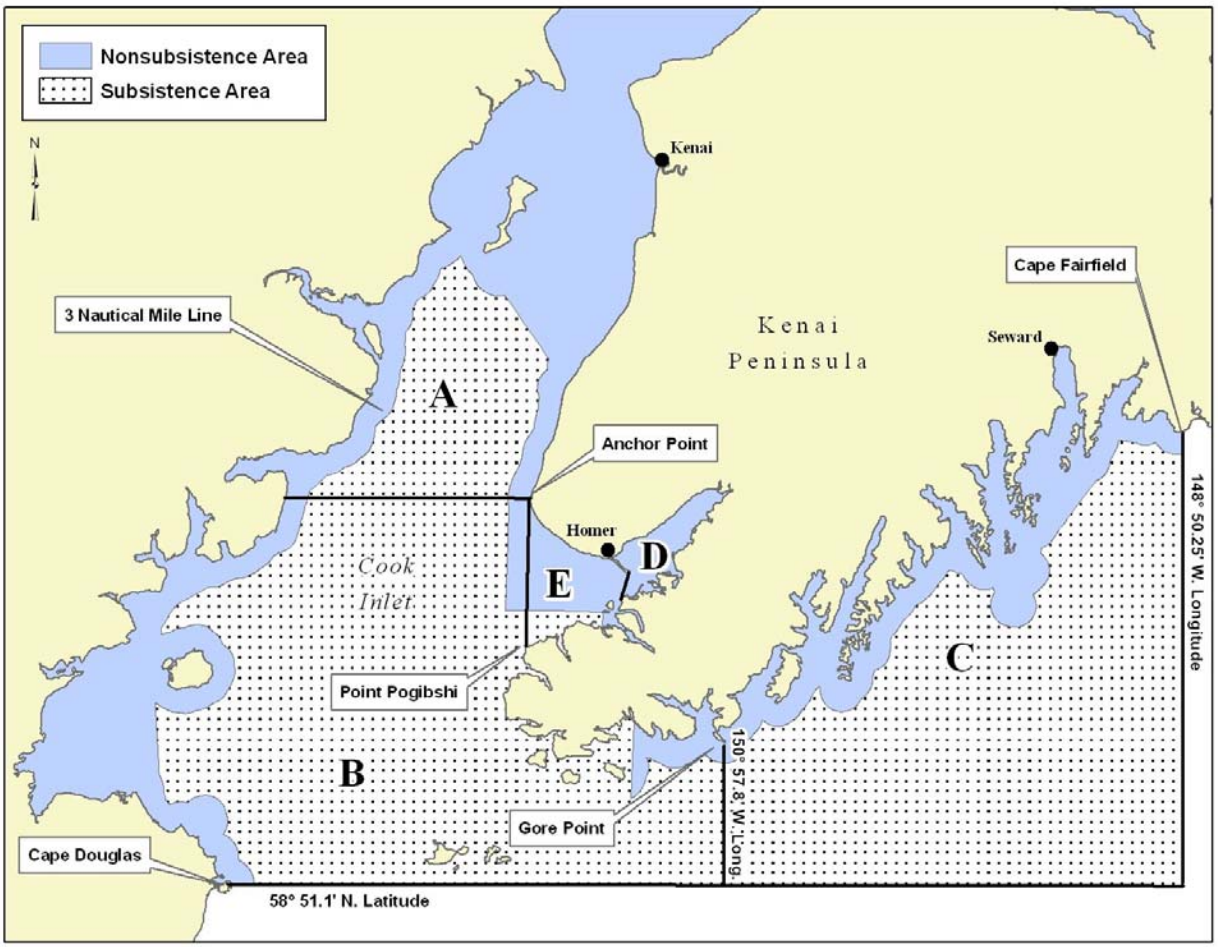

Figure 317-1.–Cook Inlet Area noncommercial Tanner crab harvest reporting areas.

Table 317-2.–Cook Inlet monthly noncommercial Tanner crab harvest from Kachemak Bay (areas D and E), 2008–2010.[a]

Season	July	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	D & E total	All areas	% of total
2008–09	4,038	5,462	2,008	922	486	612	424	899	1,334	16,185	17,173	94%
2009–10	4,538	5,748	2,429	2,237	877	1,487	947	1,751	630	20,644	22,676	91%
2010–11[b]	3,146	3,281	1,394	624	458	633	Fishery in progress			9,565	10,421	92%
Total	11,722	14,491	5,831	3,783	1,821	2,732	1,371	2,650	1,964	46,394	50,270	92%

[a] Does not include harvest of 581 crab reported as harvest area "unknown."

[b] Does not include illegal harvest of 29 crab in May and June.

Table 317-3.–Cook Inlet monthly noncommercial Tanner crab effort (angler days) from Kachemak Bay (areas D and E), 2008–2010.[a]

Season	July	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	D &E total	All areas	% of total
2008–09	1,209	1,683	697	266	138	144	103	214	329	4,783	5,108	94%
2009–10	1,142	1,453	661	447	178	286	164	321	123	4,775	5,288	90%
2010–11[b]	1,084	1,243	537	233	148	175	Fishery in progress			3,420	3,797	90%
Total	3,435	4,379	1,895	946	464	605	267	535	452	12,978	14,193	91%

[a] Does not include 244 days reported as "unknown" date.

[b] Does not include 5 days reported as fished during closed season.

PROPOSAL 318 – 5AAC 77.516. Personal use Tanner crab fishery.

PROPOSED BY: Seward Advisory Committee.

WHAT WOULD THE PROPOSAL DO? This proposal would increase the number of pots allowed per vessel in North Gulf Coast waters for the personal use Tanner crab fishery from two to six pots.

WHAT ARE THE CURRENT REGULATIONS? Current Cook Inlet Area personal use regulations set gear limits of two pots per person and a maximum of two pots per vessel. Daily bag and possession limits are five crab in all areas (Figure 317-1). A harvest recording form is required and must be completed before leaving the location of harvest. Reported information includes catch, harvest, and location information.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? This proposal would likely increase the number of pots fished and may increase the harvest of Tanner crab in North Gulf Coast waters and create a difference in the number of pots utilized by noncommercial users in the Cook Inlet Area.

BACKGROUND: The Cook Inlet Tanner crab harvest strategy (5 AAC 35.408) requires legal male crab abundance thresholds be met before commercial or noncommercial (sport, personal use, or subsistence) fisheries may occur. Since the strategy was adopted in 2002, commercial thresholds have not been attained. However, noncommercial thresholds were attained and seasons opened during 2008 to present. Under current stock abundance conditions, the strategy allows harvest of 10 percent of the estimated legal male abundance.

Tanner crab abundance is estimated with department trawl surveys of Kachemak and Kamishak Bays, both located in Lower Cook Inlet. The department does not currently assess Tanner crab abundance in the North Gulf Coast area. However, the Cook Inlet Tanner crab harvest strategy establishes harvest guidelines for noncommercial Tanner crab fisheries in the Kamishak Bay and North Gulf Coast areas (combined) based upon legal male Tanner crab abundance estimates from the Kamishak trawl survey. There is no direct stock assessment conducted in the North Gulf Coast Area. Allowable harvests for Kamishak Bay and North Gulf Coast areas combined have ranged from approximately 16,000 in 2008–2009 to 29,000 in 2010–2011. Harvests in the Kamishak Bay and North Gulf Coast areas (combined) ranged from 832 in 2008–2009 to 1,905 in 2009–2010. The 2010–2011 season is ongoing.

In the North Gulf Coast area, fishing success and effort are low (Table 318-1). Based on harvest reports for all seasons thus far, the catch per unit effort (CPUE) averages less than two Tanner crab per angler day in the North Gulf Coast. This contrasts with an average CPUE of almost four crab per angler day in Kachemak Bay.

DEPARTMENT COMMENTS: The department recognizes that effort and harvests in the North Gulf Coast are low. However, the department **OPPOSES** this proposal because stock assessment information for North Gulf Coast is unavailable; this area is managed as part of the combined Kamishak Bay and North Gulf Coast areas using guideline harvest levels based on

stock assessments conducted in Kamishak Bay. Given the lack of a direct assessment of Tanner crab in North Gulf Coast waters, the department prefers a more conservative management approach.

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

Table 318-1.–Cook Inlet noncommercial Tanner crab harvest and effort (angler days) from the North Gulf Coast (area C), all areas and as a percent of the total, 2008–2011.

	Harvest			Effort		
Year	Area C total	All areas	% of total	Area C total	All areas	% of total
2008–09	9	17,173	0%	19	5,108	0%
2009–10	290	22,676	1%	128	5,288	2%
2010–11[a]	34	10,421	0%	27	3,797	1%
Total	333	50,270	1%	174	14,193	1%

[a] The 2010–2011 fishery is ongoing; updated harvest information may be available at the board meeting.

Kodiak King and Tanner Crab: (2 proposals)

PROPOSAL 308 – 5 AAC 02.405. Subsistence Crab Fishing Permits.

PROPOSED BY: Alaska Wildlife Troopers and Alaska Department of Fish and Game.

WHAT WOULD THE PROPOSAL DO? Limit size of Kodiak Area subsistence crab pots to a maximum dimension of five feet from June 1 through October 31.

WHAT ARE THE CURRENT REGULATIONS? Subsistence crab fishing in the Kodiak Area is authorized under the provisions of a subsistence permit (5 AAC 02.405). Subsistence crab pots of any size may be used to take king, Tanner, and Dungeness crabs. In the commercial fishery, king and Tanner crab pots may not exceed 10 feet long by 10 feet wide by 42 inches high.

All shellfish pots used for commercial, subsistence, sport, or personal use purposes must contain an opening of at least 18 inches laced together by a single length of untreated, 100 percent cotton twine no larger than 30-thread.

Statewide subsistence regulation 5 AAC 02.010 (i)(1) specifies a subsistence pot limit of five pots per person and 10 pots per vessel; however, for king crab in the Kodiak Area, only one pot may be used (5 AAC 02.420 (3)).

The Kodiak Area annual household limit for subsistence king crab is three male king crab seven inches or greater in width and the season is from June through January. The Tanner crab daily bag and possession limit is 12 male crab per person and only crab that are 5.5 inches in width or larger may be taken. The Dungeness daily bag and possession limit is 12 male crab per person and only crab that are 6.5 inches or greater in width may be taken.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? The intent of this proposal is to limit illegal retention of red king crab in excess of the annual limit by reducing the size of subsistence crab pots. This proposal will also assist enforcement efforts to monitor the subsistence crab fishery. This proposal may also reduce capture and handling mortality of sublegal and female crab by requiring smaller dimension crab pots.

BACKGROUND: The king crab harvest limit is challenging to enforce because enforcement officers must personally observe people retaining illegal limits of king crab before crab are processed. Alaska Wildlife Troopers annually receive reports of excessive subsistence harvests of red king crab during summer months when large numbers of commercial salmon catcher-vessels and tenders are active. Limiting subsistence crab pot size provides law enforcement an additional tool for monitoring king crab harvest activities from June 1 through October 31, while still allowing larger pots to be used to take more abundant Tanner crab, which are commonly targeted during November and December.

Red king crab abundance around Kodiak Island remains near historical low levels (Figure 308-1). The commercial red king crab fishery in Kodiak has been closed since 1984. Based on subsistence permits returned to the department, reported annual harvests of Kodiak Area red king crab ranged from 245 to 470 crabs from 2000 to 2009 (Table 308-1). Red king crab are predominantly harvested inside Alitak Bay and around the community of Old Harbor.

In 2003, the most recent year that subsistence baseline survey data are available, residents of Old Harbor, Akhiok, Larsen Bay, and Port Lions harvested an estimated total of 126 king crab (all species combined).

DEPARTMENT COMMENTS: The department **SUPPORTS** this proposal.

COST ANALYSIS: Approval of this proposal may result in an expected additional direct cost for a private person to participate in this fishery. The additional cost would be for obtaining smaller pots.

SUBSISTENCE REGULATION REVIEW:

1. Is this stock in a nonsubsistence area? No.

2. Is this stock customarily and traditionally taken or used for subsistence? The board has determined under 5 AAC 02.466 (a)(1) that king crab in the Kodiak Area, except for the Semidi Island Overlap, North Mainland, and South Mainland sections, are customarily and traditionally taken or used for subsistence.

3. Can a portion of the stock be harvested consistent with sustained yield? The Kodiak red king crab stock is in low abundance with no indication of rebuilding. The commercial fishery has been closed since the 1982/1983 season. A harvest strategy exists with a threshold for a commercial fishery opening established for each of the four districts in the Kodiak Area. The thresholds are defined in terms of mature female abundance and range from 0.19 million mature females for the Shelikof District to 2.28 million mature females for the Southwest District. Annual estimates of mature female abundance have high uncertainty, but those estimates in the last 10 years for the entire Kodiak Area (all four districts combined) have ranged from less than 0.01 million in 2009 to 0.07 million in 2006.

   Subsistence removals are a small percentage of the estimated stock. The reported average annual subsistence harvest for 2000–2010 is 358 crab, whereas the average annual survey estimate of legal males is 55,996 crab. The reported average annual subsistence harvest is 0.6 percent of the average annual survey estimate for legal males.

4. What amount is reasonably necessary for subsistence uses? The board has established a range of 22,000–68,000 pounds of usable weight of Dungeness crab and miscellaneous shellfish is reasonably necessary for subsistence purposes (5 AAC 02.466 (b)).

5. Do the regulations provide a reasonable opportunity for subsistence uses? This is a board determination.

6. Is it necessary to reduce or eliminate other uses to provide a reasonable opportunity for subsistence uses? This is a board determination.

Table 308-1.–Number of Kodiak Area subsistence crab permits issued and returned and the reported number of crab harvested by species and year, 2000–2009.

			Number of Crabs Harvested		
	Pemits Issued	Permits Returned	King Crab	Tanner Crab	Dungeness Crab
2000	1,711	547	245	5,741	1,603
2001	2,378	801	331	9,285	1,476
2002	2,277	619	309	6,892	2,301
2003	2,272	715	322	7,274	3,842
2004	2,241	770	470	9,003	2,615
2005	2,290	735	446	7,760	3,096
2006	2,095	675	395	6,559	2,692
2007	2,096	536	298	4,780	2,192
2008	2,037	468	360	4,124	1,844
2009	1,926	539	404	6,210	1,992

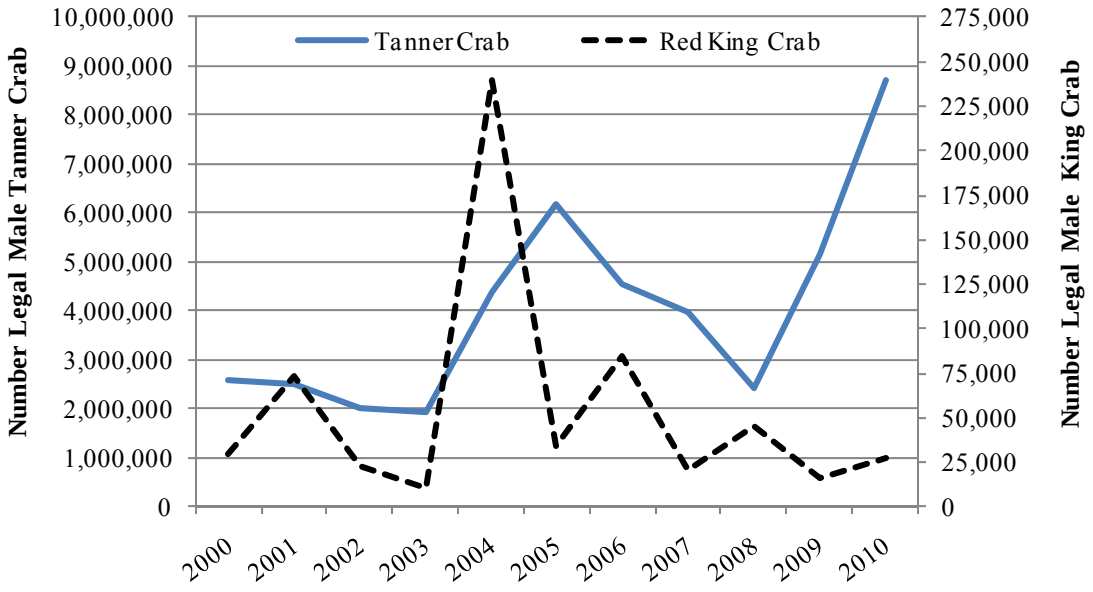

Figure 308-1.–Population estimates for legal male Tanner and red king crabs in the Kodiak Area based on annual trawl survey data, 2000–2010.

PROPOSAL 319 – 5 AAC 77.450–77.466. Kodiak Area Personal Use Shellfish Fishery.

PROPOSED BY: Alaska Department of Fish and Game.

WHAT WOULD THE PROPOSAL DO? Repeal Kodiak Area personal use shellfish regulations (5 AAC 77.450 to 5 AAC 77.466).

WHAT ARE THE CURRENT REGULATIONS? Only Alaska residents may participate in the state's personal use shellfish fisheries. Each participant must possess a valid resident sport fishing license and also obtain a department-issued personal use fishing permit.

Kodiak Area personal use boundaries extend from Cape Douglas to Kilokak Rocks. Personal use bag and possession limits are specified by species, as listed under 5 AAC 77.460–5 AAC 77.466.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? This proposal would eliminate personal use shellfish fishing in Kodiak waters. Everyone currently eligible to participate in the personal use fishery qualifies to obtain a subsistence permit from the department free of charge. Repealing the personal use shellfish regulations would eliminate public confusion over what harvest opportunities are available to Alaska residents. Although the department would issue a personal use permit if requested, eliminating the personal use fishery would remove an extraneous recordkeeping requirement for the department.

BACKGROUND: Personal use regulations have been established by the board to provide opportunities for Alaska residents to harvest fishery resources for personal consumption in areas where subsistence fisheries are not permitted.

Currently, there are no waters within the Kodiak Area that are closed to subsistence but open for personal use fishing, making the personal use fisheries redundant. Alaska residents may harvest shellfish for their personal consumption by obtaining a department subsistence permit. Subsistence permits are free of charge and do not require the purchase of a sport fishing license. Nonresidents may harvest crab under sport fish regulations by obtaining a sport fishing license and permit.

The department has not issued a Kodiak Area personal use permit for shellfish since 2002 (Table 319-1).

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

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

Table 319-1.–Number of Kodiak Area subsistence and personal use shellfish permits issued and number of crab harvested by species and year, 1990–2009.

	Subsistence				Personal Use			
Year	Permits	King	Tanner	Dungeness	Permits	King	Tanner	Dungeness
1990	799	3,200	9,051	5,182	13	15	97	275
1991	674	2,380	7,094	6,627	42	67	668	738
1992	598	2,946	6,658	5,828	41	21	161	483
1993	873	2,646	4,922	2,905	46	17	39	141
1994	767	2,206	3,841	2,433	21	10	11	33
1995	777	2,532	2,466	1,778	15	32	16	38
1996	377	518	2,160	1,540	11	2	25	21
1997	515	294	2,709	1,705	9	7	55	30
1998	427	237	2,362	1,562	9	2	131	7
1999	205	210	3,173	1,827	6	2	23	34
2000	266	245	5,592	1,430	32	0	125	173
2001	339	325	8,217	1,108	16	6	1,068	368
2002	363	308	6,892	2,297	2	1	0	4
2003	408	322	7,274	3,842	0	0	0	0
2004	444	470	9,003	2,615	0	0	0	0
2005	427	446	7,760	3,096	0	0	0	0
2006	385	395	6,463	2,692	0	0	0	0
2007	305	298	4,780	2,192	0	0	0	0
2008	280	360	4,124	1,844	0	0	0	0
2009	330	406	6,210	1,992	0	0	0	0

Chignik King and Tanner Crab: (2 proposals)

PROPOSAL 89 – 5 AAC 35.510 (b). Fishing Seasons for Registration Area J.

PROPOSED BY: Don Bumpus.

WHAT WOULD THE PROPOSAL DO? Develop opening criteria for the Chignik District Tanner crab fishery based on marine weather conditions.

WHAT ARE THE CURRENT REGULATIONS? The Chignik District Tanner crab fishery opens at 12:00 noon on January 15 (5 AAC 35.510 (b)). Vessels registered for the Chignik District Tanner crab fishery may not exceed 58 feet in overall length (5 AAC 35.590 (b)). When the annual guideline harvest level (GHL) is 600,000 pounds or less, no more than 30 aggregate pots may be operated from a vessel (5 AAC 35.525 (c)(2)). If the GHL exceeds 600,000 pounds the fishery pot limit is 1,000 pots and the individual vessel pot limit is established by dividing the 1,000 pot limit by the total number of vessels that registered preseason by the December 24 deadline specified in 5 AAC 35.506 (e)(6)).

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? This proposal would establish marine weather criteria, based on the National Weather Service (NWS) forecast, for delaying the start of the Chignik District Tanner crab season. Delaying the start of the fishery due to poor weather may allow small vessels, which may be more susceptible to poor weather conditions compared to large vessels, an equal opportunity to start the fishery. The proposal does not define specific weather criteria for delaying the start of the fishery.

BACKGROUND: The proposal does not identify the specific marine weather conditions that would delay the start of the Chignik District Tanner crab fishery. However, weather delay regulations in the Kodiak Area Tanner crab fishery and Alaska Peninsula state-waters Pacific cod fishery use the NWS 48-hour forecast issued on the morning of the Tanner crab tank inspection or Pacific cod season opening. Specifically, if on the morning of tank inspection or scheduled fishery opening, the NWS 4:00 a.m. 48-hour forecast contains gale force (35 knots) or stronger winds for the marine forecast zone applicable to the area where the fishery occurs, the opening of the fishery would be delayed for 24 hours. If after the initial weather delay, the 4:00 a.m. forecast on the following day contains gale warnings, the season opening would again be delayed for 24 hours. Season opening delays occur on a rolling basis for ten days in the Kodiak District Tanner crab fishery and seven days in the South Alaska Peninsula Area Pacific cod fishery. Both commercial fisheries open regardless of weather conditions after the ten- and seven-day delay limits, respectively.

Recent vessel participation by vessel size is provided in Table 89-1.

When either the Chignik District or Southwest Section of the Kodiak District are open to commercial Tanner crab fishing, vessels from either the Chignik or Kodiak districts may target Tanner crab in the Semidi Island Overlap Section (Figure 89-1).

The NWS marine zones applicable to the Chignik Area Tanner crab fishery are Area 150: coastal waters south of the Alaska Peninsula from Sitkinak to Castle Cape; and Area 155: coastal waters south of the Alaska Peninsula from Castle Cape to Cape Sarichef (Figure 89-1).

DEPARTMENT COMMENTS: The department is **NEUTRAL** on this allocative proposal. If adopted, the department seeks guidance from the board to define: 1) NWS marine forecast zone applicable for the Chignik District Tanner crab fishery, 2) weather conditions necessary to trigger a delay in fishery opening, and 3) cumulative number of days the fishery opening can be delayed.

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

Table 89-1.–Number of vessels participating in the Chignik District Tanner crab fishery by size for the two most recent commercial seasons, 2004/2005 and 2005/2006.

	Vessel Length (feet)				
	< 40'	40-44'	45-49'	50-54'	55-58'
2004/05	1	3	3	5	11
2005/06	0	1	1	0	4

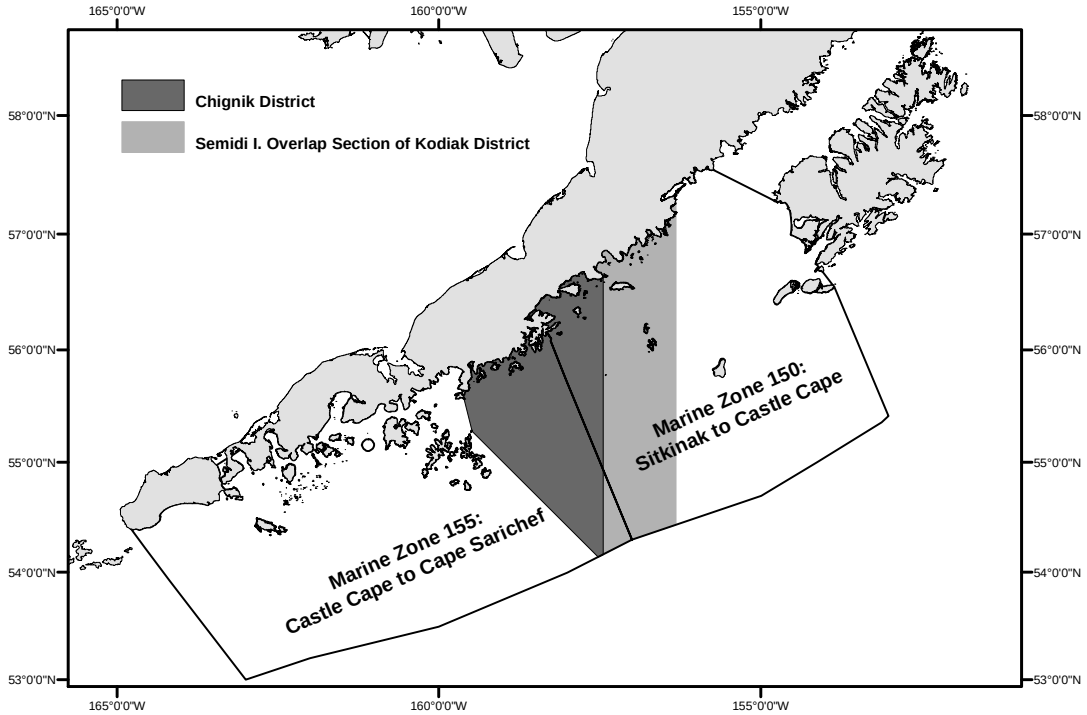

Figure 89-1.–Map of the Chignik District and Semidi Island Overlap Section for Tanner crab management, and the applicable National Weather Service Marine Forecast Zones.

PROPOSAL 320 – 5 AAC 77.400–77.416. Chignik Area Personal Use Shellfish Fishery.

PROPOSED BY: Alaska Department of Fish and Game.

WHAT WOULD THE PROPOSAL DO? Repeal Chignik Area personal use shellfish regulations (5 AAC 77.400 to 5 AAC 77.416).

WHAT ARE THE CURRENT REGULATIONS? Only Alaska residents may participate in the state's personal use shellfish fisheries. Each participant must possess a valid resident sport fishing license, and also obtain a department-issued personal use fishing permit.

Chignik Area personal use boundaries extend from Kilokak Rocks to Kupreanof Point. Personal use bag and possession limits are specified by species, as listed under 5 AAC 77.410–5 AAC 77.416.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? This proposal would eliminate personal use shellfish fishing in Chignik waters. Everyone currently eligible to participate in the personal use fishery qualifies to obtain a subsistence permit from the department free of charge. Repealing the personal use shellfish regulations would eliminate public confusion over what harvest opportunities are available to Alaska residents. Although the department would issue a personal use permit if requested, eliminating the personal use fishery would remove an extraneous recordkeeping requirement for the department.

BACKGROUND: Personal use regulations have been established by the board to meet the needs of Alaska residents harvesting fishery resources for personal consumption in areas where subsistence fisheries are not permitted.

Currently, there are no waters within the Chignik Area that are closed to subsistence, but open for personal use fishing, making the personal use fisheries redundant. Alaska residents may harvest shellfish for their personal consumption by obtaining a department subsistence permit. Subsistence permits are free of charge and do not require the purchase of a sport fishing license. Nonresidents may harvest crab under sport fish regulations by obtaining a sport fishing license and permit.

Based on department records no personal use permits have been issued for the Chignik Area. Thus, there are no recorded harvests of shellfish taken under personal use regulations.

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

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

Alaska Peninsula King and Tanner Crab: (5 proposals)

PROPOSAL 309 – 5 AAC 34.525 (c). Lawful Gear for Registration Area M and 5 AAC 35.525 (c)(3). Lawful Gear for Registration Area J.

PROPOSED BY: William Dushkin, Sr.

WHAT WOULD THE PROPOSAL DO? Modify pot limits for both the Alaska Peninsula king crab fishery and the South Peninsula District Tanner crab fishery based on the guideline harvest level (GHL) as follows:

Guideline Harvest Level	Pot Limit
Less than or equal to 1,000,000 pounds	30
1,000,001 pounds to 2,000,000 pounds	40
Over 2,000,000 pounds	50

WHAT ARE THE CURRENT REGULATIONS?

King crab pot limits: When the projected Registration Area M red king crab GHL is less than 600,000 pounds, an aggregate of no more than 40 pots may be operated by a vessel. If the projected GHL exceeds 600,000 pounds, an aggregate of no more than 75 pots may be operated by a vessel, 5 AAC 34.525 (c).

Tanner crab pot limits: When the South Peninsula District Tanner crab fishery GHL is less than 600,000 pounds, an aggregate of no more than 30 pots may be operated from a vessel. When the GHL is at least 600,000 pounds, but not more than 1,000,000 pounds, an aggregate of no more than 40 pots may be operated by a vessel. When the GHL exceeds 1,000,000 pounds, an aggregate of no more than 75 pots may be operated by a vessel, 5 AAC 35.525 (c)(3).

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? If adopted, this proposal would lower king and Tanner crab pot limits based on the annual GHL for each species. During years when GHLs are high, this proposal would cap the total number of pots a vessel may use at 50 pots rather than the 75 pot maximum limit currently in regulation. Depending upon vessel effort and number of pots registered, this proposal could lower daily harvest rates and aid inseason fishery management.

BACKGROUND: The red king crab fishery in the Alaska Peninsula Area began in 1947. The fishery expanded through the early 1960s, then increased substantially starting in 1964. The largest recorded catch of 22.6 million pounds occurred in 1966. Following peak harvest, catches diminished, averaging approximately 3.5 million pounds per year throughout the 1970s. Most harvest occurred near Pavlof Bay and Unimak Bight. Recruitment of crabs into the fishery declined appreciably after the 1980/1981 season, resulting in an areawide closure prior to the 1982/1983 fishery. The Alaska Peninsula Area has not reopened to commercial red king crab fishing since that time. Red king crab abundance remains low.

Harvest of Tanner crab in the South Peninsula District first occurred in 1967. The fishery grew quickly, and by the 1973/1974 season the annual harvest exceeded eight million pounds. During the five fishing seasons from 1974/1975 through 1978/1979, annual harvests averaged approximately seven million pounds. From 1979 to 1989, harvests declined and averaged approximately 2.7 million pounds annually. At the conclusion of the 1988/1989 season, the department predicted a decline in recruitment based on analysis of department trawl survey data. The fishery was subsequently closed from 1990 through 2000 due to low abundance of legal-sized crab. After the extended closure, the Tanner crab stock began to rebound, allowing for a limited fishery to occur during the 2000/2001 season. After closing again for the 2001/2002 though 2003/2004 seasons due to low abundance, the fishery has opened annually since the 2004/2005 season (Table 309-1). The abundance of Tanner crab has recently improved and GHLs have increased. Based on the 2010/2011 GHL of 2,300,000 pounds, the 2010/2011 South Peninsula District pot limit was established at 75 pots per vessel.

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

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

Table 309-1.–South Peninsula District Tanner crab catch, effort, and exvessel value, 2004/2005 to 2010/2011.

		Number						
Year/Season	GHL	Pot Limit	Vessels	Crabs	Pounds	Pots Lifted	Average CPUE	Exvessel Value
2004/05	300,000	30	42	134,019	295,741	5,655	24	$493,887
2005/06	290,000	30	15	126,383	287,749	3,703	34	$348,176
2006/07	200,000	30	6	74,187	165,811	1,959	38	$130,991
2007/08	250,000	30	9	102,290	236,241	3,368	30	$238,603
2008/09	275,000	30	12	122,441	265,560	5,311	23	$347,884
2009/10	500,000	30	41	261,170	583,202	5,779	45	$822,315
2010/11	2,300,000	75	NA	NA	NA	NA	NA	NA
Average	302,500	36	21	136,748	305,717	4,296	32	$396,976

Note: NA = not available

PROPOSAL 310 – 5 AAC 34.525. Lawful Gear for Registration Area M.

PROPOSED BY: George Gundersen.

WHAT WOULD THE PROPOSAL DO? Modify pot limits for the Alaska Peninsula king crab fishery based on the guideline harvest level (GHL) as follows:

Guideline Harvest Level	Pot Limit
Less than or equal to 1,000,000 pounds	30
1,000,001 pounds to 2,000,000 pounds	40
2,000,001 pounds to 3,000,000 pounds	50
3,000,001 pounds to 4,000,000 pounds	60
Over 5,000,000 million pounds	70

The proposal does not specify a pot limit for GHLs between four and five million pounds.

WHAT ARE THE CURRENT REGULATIONS? When the projected Registration Area M red king crab GHL is less than 600,000 pounds, an aggregate of no more than 40 pots may be operated by a vessel. If the projected GHL exceeds 600,000 pounds, an aggregate of no more than 75 pots may be operated by a vessel, 5 AAC 34.525 (c).

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? If adopted, this proposal would revise king crab pot limits based on the annual GHL. During years when GHLs are high, this proposal would cap the total number of pots at 70 rather than the 75 maximum pot limit currently in regulation. Currently, the maximum pot limit is reached when the GHL exceeds 600,000 pounds. Under the proposed pot limits, the maximum pot limit would not be reached until the GHL exceeded five million pounds. Depending upon vessel effort and number of pots registered, this proposal could lower daily harvest rates and aid inseason fishery management.

BACKGROUND: The red king crab fishery in the Alaska Peninsula Area began in 1947. The fishery expanded through the early 1960s, then increased substantially starting in 1964. The largest recorded catch of 22.6 million pounds occurred in 1966. Following peak harvests, catches diminished and averaged approximately 3.5 million pounds per year throughout the 1970s. Most harvest occurred near Pavlof Bay and Unimak Bight. Recruitment of crabs into the fishery declined appreciably after the 1980/1981 season, resulting in an areawide closure prior to the 1982/1983 fishery. The Alaska Peninsula Area has not reopened to commercial red king crab fishing since that time. Red king crab abundance remains low.

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

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

PROPOSAL 311 – 5 AAC XX.XXX. New Section; and 5 AAC 02.010. Methods, Means, and General Restrictions.

PROPOSED BY: Melanie Rotter.

WHAT WOULD THE PROPOSAL DO? Establish an Alaska Peninsula community subsistence harvest permit for king and Tanner crabs in waters of the Bering Sea Area east of Cape Sarichef Light (Figure 311-2). Provisions of this permit would:

- Require a community subsistence harvest permit administrator to maintain a record of those subscribing to a community subsistence harvest fishery. Allowable community subsistence harvest limits would equal the sum of individual subsistence limits for the given species in the Bering Sea Area.
- Replace subsistence gear and buoy marking requirements for subscribers to a community subsistence harvest permit with department-assigned buoy markings.
- Eliminate subsistence gear limits of 5 pots per person and 10 pots per vessel for harvesting king or Tanner crabs under the provisions of a community subsistence harvest permit.

The proposal did not specify if more than one community subsistence harvest permit would be permitted in the Alaska Peninsula Area at one time.

Provisions of this proposal would exclude a resident from simultaneously taking crab under subsistence regulations and under the proposed community subsistence harvest permit. Subsistence harvesters who elect not to subscribe to the proposed community subsistence harvest permit would continue to have access to subsistence resources under existing subsistence regulations.

WHAT ARE THE CURRENT REGULATIONS? The Alaska Peninsula-Aleutian Islands subsistence shellfish management area includes Pacific Ocean waters west of Cape Kumlik and extending to the tip of the western Aleutian Islands, 5 AAC 02.500. The Bering Sea subsistence shellfish management area includes waters of the Bering Sea north of Cape Sarichef on Unimak Island and includes waters along the north side of the Alaska Peninsula, 5 AAC 02.600. The proposal incorrectly stated that the Bering Sea east of Cape Sarichef was part of the Alaska Peninsula-Aleutian Islands subsistence shellfish area.

In the portion of the Alaska Peninsula-Aleutian Islands Area west of the latitude of Scotch Cap Light (166°44' W long) and east of 168° W long, king and Tanner crabs may be taken for subsistence purposes under the authority of a subsistence crab permit, 5 AC 02.506. In the remaining waters of the Alaska Peninsula-Aleutian Islands Area, a subsistence crab permit is not required, but area subsistence regulations govern bag and possession limits, legal gear, fishing seasons, and minimum retainable crab size.

In the Alaska Peninsula-Aleutian Islands Area, the board has made a positive customary and traditional use finding and determined 4,200–16,200 Tanner crab and 1,200–7,400 king crab are reasonably necessary for subsistence uses (5 AAC 02.566). This amount reasonably necessary for subsistence (ANS) finding included 1,500–8,000 Tanner crab and 800–6,000 king crab

within the waters west of Scotch Cap Light and east of 168° W long. The daily bag and possession limit for Tanner crab is 12 crabs per person. Only male Tanner crab five and one-half inches or greater in width may be retained. The bag and possession limit for king crab is six crabs per person, except in waters west of Scotch Cap Light and east of 168° W long, where the daily bag and possession limit is one king crab per person, 5 AAC 02.520 (1). Only male king crab six and one-half inches or greater in shell width may be retained, and king crab may be taken only from June 1 through January 31. No more than 5 pots per person and 10 pots per vessel may be used to take crab for subsistence purposes.

Subsistence crab permits are not required in the Alaska Peninsula Area east of Scotch Cap Light (Figure 311-2). Therefore, there are no records of annual subsistence crab effort or harvest in that area.

In the Bering Sea Area, the board has made a positive customary and traditional use finding for all shellfish in the area. The ANS for subsistence use finding for Tanner and king crabs in the Alaska Peninsula-Aleutian Islands Area does not apply to the Bering Sea Area. The board has not made a specific ANS finding for the Bering Sea Tanner and king crab stocks.

Bering Sea crab stocks are jointly managed by the state and federal governments under the *Fishery Management Plan for Bering Sea/Aleutian Islands King and Tanner Crabs* (FMP). This management plan covers commercial king and Tanner crab fisheries. Under Amendment 24 to the Bering Sea/Aleutian Islands FMP, overfishing levels and annual catch levels for FMP crab stocks must be established annually and fishery mortality from all fisheries cannot exceed the annual catch limit.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? No community subsistence harvest permit exists in the area, and the department does not have records of harvest of Bering Sea crab taken by Alaska Peninsula Area subsistence harvesters because household surveys did not document the location of subsistence crab harvests. Therefore, it is unknown what effects this proposal would have on subsistence harvest levels or fishing patterns in the Alaska Peninsula or Bering Sea areas.

The proposal does not address which communities in the Alaska Peninsula would qualify for a community subsistence harvest permit.

Currently, a subsistence permit is not required in the Bering Sea, and annual subsistence harvests are not tracked by the department; however, if a community harvest permit was established, annual crab removals during community harvesting activities would be accounted for and included in the assessment of annual catch limits for Bering Sea crab stocks under the FMP for the Bering Sea.

BACKGROUND: The Bristol Bay red king crab stock is currently above the level that produces maximum sustained yield; however, the Bering Sea Tanner crab fishery was recently declared overfished.

Annually, the department conducts trawl surveys to assess king and Tanner crab stocks in the Pacific Ocean waters of the Alaska Peninsula. Recent trawl survey data indicate the red king crab population remains near historical low levels. The 2010 population estimate for red king crab was approximately 158,000 crabs, of which approximately 16,500 crab were legal-sized males (Figure 311-1). In contrast, the 2010 Tanner crab population estimate totaled 40.4 million crabs, of which approximately 13.3 million crabs were legal-sized males. The commercial red king crab fishery in the Alaska Peninsula has been closed since the 1982/1983 season. Commercial Tanner crab fisheries have occurred in the Alaska Peninsula Area annually since the 2004/2005 season.

A vessel participating in a commercial crab fishery may not be simultaneously used to target commercial and subsistence crab. Additionally, a person or vessel participating in a commercial crab fishery in the Alaska Peninsula Area may not operate commercial, subsistence, sport, or personal use pots in the same district where commercial crab fishing occurs during the 14 days immediately before the opening of the commercial crab season (5 AAC 34.053); this provision does not apply to rationalized IFQ crab fisheries in the Bering Sea (5 AAC 39.685).

Most commercial crab fisheries in the Bering Sea and Aleutian Islands Area (BSAI) are jointly managed under the Crab Rationalization Program by the department and the National Marine Fisheries Service (NMFS). The Crab Rationalization Program allocates BSAI crab resources among harvesters, processors, and coastal communities through the issuance of share allocations (crab quota). A commercial vessel operator with Individual Fishing Quota (IFQ) or Community Development Quota (CDQ) may legally retain crab for personal use while commercial fishing; however, that crab must be reported on a fish ticket and deducted from the amount of IFQ or CDQ held by that vessel operator. Prior to taking subsistence crab, a commercial crab vessel operator must deliver all commercially-harvested crab, legally configure and store all gear, and check out of the commercial fishery.

Based on subsistence permit returns since 1999, on average, approximately 1,300 king crab and 3,500 Tanner crab are annually harvested by subsistence harvesters west of Scotch Cap Light (Unalaska/Dutch Harbor; Table 311-1). These annual averages are within the ANS ranges established by the board.

Harvest estimates for various study years in various communities in the Aleutian Islands-Alaska Peninsula Area are available based on household harvest surveys conducted by the Division of Subsistence. The ANS ranges established by the board in March 1999 were based on these household harvest survey data.

The Division of Subsistence has conducted only one comprehensive harvest survey, in 1993, in Sand Point. The subsistence harvest information for crab, by species, is summarized in Table 311-2 for all communities within the Alaska Peninsula and Aleutian Islands shellfish management area. When the 1993 Sand Point subsistence harvest surveys were conducted, maps were created for the subsistence harvest areas for crab from 10 key respondent households. All noted areas used at the time of the survey were in the Pacific Ocean waters from West Unimak Island east to Stepovak Bay. Subsistence crab harvest maps for other communities are also

available; however, they were completed prior to 1993. The Division of Subsistence has no other information about the subsistence crab harvest for this region.

DEPARTMENT COMMENTS: The department is **NEUTRAL** on this proposal. This proposal should be considered with proposals 312, 313, and 314 to address unintended effects or results.

COST ANALYSIS: Approval of this proposal is not expected to result in an additional direct cost for a private person to participate in this fishery

SUBSISTENCE REGULATION REVIEW:

1. Is this stock in a nonsubsistence area? No.

2. Is this stock customarily and traditionally taken or used for subsistence? The board has determined under 5 AAC 02.566 that king crab, Tanner crab, Dungeness crab, and miscellaneous shellfish are customarily and traditionally used for subsistence in the Alaska Peninsula-Aleutian Islands Area. The board has determined under 5 AAC 02.608 that all shellfish are customarily and traditionally taken or used for subsistence in the Bering Sea Area, including those waters draining into the Bering Sea.

3. Can a portion of the stock be harvested consistent with sustained yield? Presently, the Bristol Bay red king crab stock can be harvested consistent with sustained yield. The stock is currently above the level that produces maximum sustained yield (Bmsy). If the Bristol Bay red king crab stock condition was less than 25% of Bmsy, no directed harvests would be allowed according to the federal fishery management plan (FMP).

   The Bering Sea Tanner crab stock was recently classified under the FMP as overfished and a rebuilding plan is in development. NMFS is also developing a stock assessment model and the existing harvest strategy may be revised in conjunction with Proposal 307. Therefore, until the rebuilding plan is complete it is unclear if the stock can be harvested consistent with sustained yield. The commercial Tanner crab fishery was closed during the 2010/2011 season.

   The Alaska Peninsula red king crab stock is in low abundance with and no indication of rebuilding. The commercial fishery has been closed since the 1982/1983 season. No harvest strategy exists for this stock; therefore, the sustained yield level has not been determined. Subsistence fishing is open; however, no annual estimate of the harvest is available.

   The Alaska Peninsula Tanner crab stock can presently be harvested consistent with sustained yield. A harvest strategy exists for this stock, and the stock is currently above the threshold for a fishery opening established in the harvest strategy. Annual surveys indicate increasing abundance throughout the management area. The commercial fishery has been open since the 2004/05 season.

4. What amount is reasonably necessary for subsistence uses? The board finds that 1,200–7,400 king crab are reasonably necessary for subsistence uses in the Alaska Peninsula-Aleutian Islands Area, which includes 800–6,000 king crab within the waters west of the longitude of Scotch Cap Light (166°44' W long) and east of 168° W long. The board finds that 4,200–16,200 Tanner crab are reasonably necessary for subsistence uses in the Alaska Peninsula-Aleutian Islands Area, which includes 1,500–8,000 Tanner crab within the waters west of the longitude of Scotch Cap Light and east of 168° W long. The board finds that 22,000–68,000 pounds of usable weight of Dungeness crab and miscellaneous shellfish is reasonably necessary for subsistence purposes in the Alaska Peninsula-Aleutian Island Area and that portion of the Kodiak Area described in 5 AAC 02.466(a)(2), combined. The board has not made an ANS finding for shellfish in the Bering Sea Area.

5. Do the regulations provide a reasonable opportunity for subsistence uses? This is a board determination.

6. Is it necessary to reduce or eliminate other uses to provide a reasonable opportunity for subsistence uses? This is a board determination.

Table 311-1.–Estimated number of king and Tanner crab harvested by subsistence harvesters west of Scotch Cap light and east of 168° W long, by year, from permit returns,1999–2009.

Year	Permits Issued	Permits Returned	Percent Returned	Estimated King Crab Harvest	Estimated Tanner Crab Harvest
1999	179	80	45%	1,761	3,204
2000	193	137	71%	737	1,290
2001	200	153	77%	1,502	2,226
2002	231	179	77%	1,394	3,163
2003	229	160	70%	554	6,584
2004	225	144	64%	352	7,366
2005	241	182	76%	1,147	7,213
2006	256	185	72%	2,485	1,991
2007	203	122	60%	2,265	2,570
2008	242	176	73%	1,634	1,222
2009	219	168	77%	836	2,625
Average	**220**	**153**	**70%**	**1,304**	**3,539**

Table 311-2.–Harvest of king crab, Alaska Peninsula and Aleutian Island communities, subsistence baseline surveys.

Study year	Community	% Using	% Attempting	% Harvesting	% Giving away	% Receiving	Estimated harvest, numbers	Estimated harvest, pounds	Per capita
1992	King Cove	83	16	16	25	69	660	1,517	2.7
	Sand Point	57	10	7	5	53	130	298	0.5
1987	Nelson Lagoon	92	39	39	31	77	154	354	5.3
1988	False Pass	75	20	20	30	75	70	160	2.3
1990	Akutan	68	28	28	28	48	250	576	5.7
1994	Unalaska	67	14	14	28	66	6,892	15,851	8.7

Source: ADF&G Division of Subsistence Community Subsistence Information System (CSIS)

Table 311-3.–Harvest of Tanner crab, Alaska Peninsula and Aleutian Island communities, subsistence baseline surveys.

Study year	Community	% Using	% Attempting	% Harvesting	% Giving away	% Receiving	Estimated harvest, numbers	Estimated harvest, pounds	Per capita
1992	King Cove	49	12	12	20	39	982	1,571	2.8
	Sand Point	54	22	21	13	39	2,521	4,033	6.7
1987	Nelson Lagoon	0	0	0	0	0	0	0	0.0
1988	False Pass	60	15	15	35	60	190	304	4.4
1990	Akutan	68	24	24	24	48	628	1,004	9.9
1994	Unalaska	17	5	5	8	14	10,958	17,532	9.6

Source: ADF&G Division of Subsistence Community Subsistence Information System (CSIS)

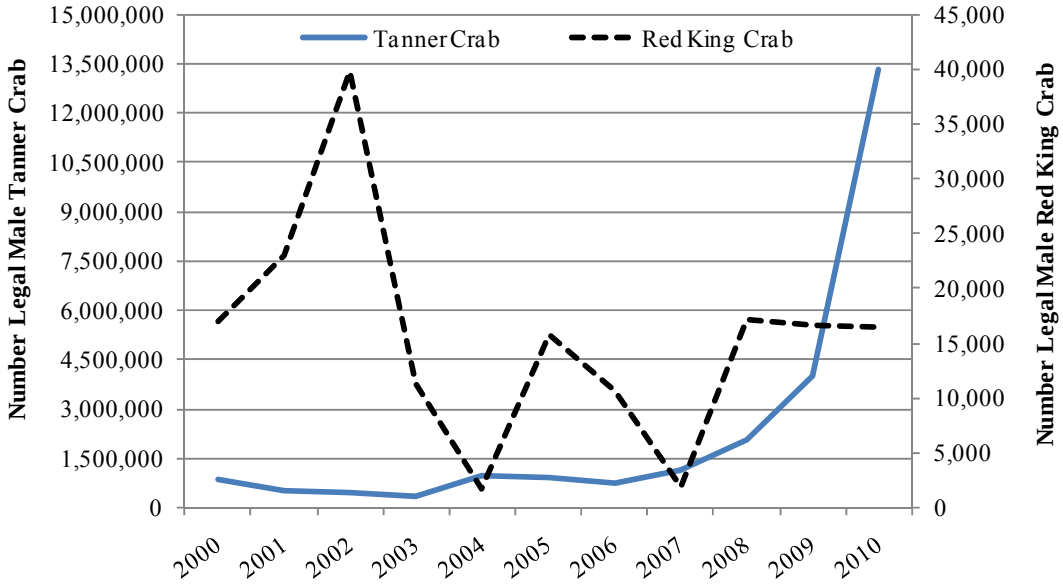

Figure 311-1.–Population estimates for legal-sized male Tanner and red king crabs in the Alaska Peninsula Area based on annual trawl survey data, 2000–2010.

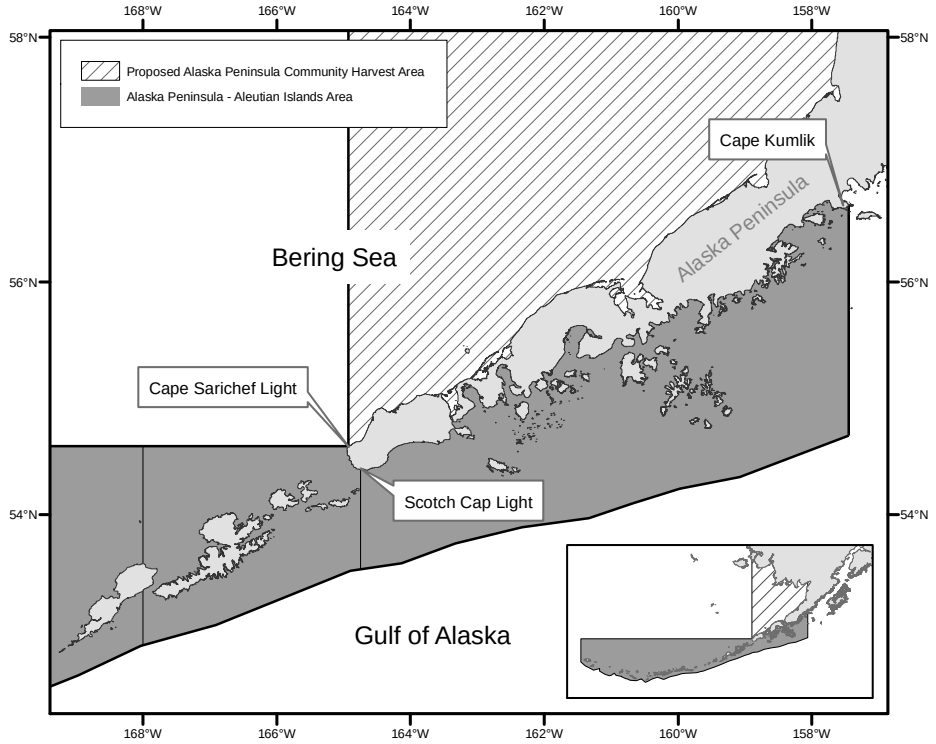

Figure 311-2.–Alaska Peninsula-Aleutian Islands Subsistence Shellfish Area and proposed waters of the Bering Sea to be included in the community harvest permit.

PROPOSAL 312 – 5 AAC 02.525. Subsistence Tanner Crab Fishery; and 5 AAC 02.520. Subsistence King Crab Fishery.

PROPOSED BY: Melanie Rotter.

WHAT WOULD THE PROPOSAL DO? This proposal would allow for an exception to king and Tanner crab subsistence bag and possession limits for subscribers to a community subsistence harvest permit in the Alaska Peninsula-Aleutian Islands Area east of Scotch Cap Light (Figure 312-1). However, the proposal does not specify the exception. From Proposal 311, the department assumes the exception would allow for a community subsistence harvest permit limit equal to the daily bag and possession limits accruing for the number of individuals participating in the community subsistence harvest permit fishery. This proposal would also allow harvest of legal or sublegal male king crab for scientific or enhancement purposes.

WHAT ARE THE CURRENT REGULATIONS? The Alaska Peninsula-Aleutian Islands Area subsistence daily bag and possession limit is 12 Tanner crab per person, 5 AAC 02.525. Only male Tanner crab five and one-half inches or greater in width may be retained. The subsistence bag and possession limit for king crab is six crab per person, except in waters west of the longitude of Scotch Cap Light (166°44' W long) and east of 168° W long, where the daily bag and possession limit is one king crab per person. Only male king crab six and one-half inches or greater in shell width may be retained. King crab may be taken only from June 1 through January 31.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? This proposal would allow individuals participating in subsistence fishing activities under the provisions of a community subsistence harvest permit to annually harvest and possess Tanner and king crab east of Scotch Cap Light in accordance with limits yet-to-be established for a community subsistence harvest permit. Currently, community subsistence harvest permits are not issued in the Alaska Peninsula-Aleutian Islands Area. Therefore, it is unknown what effect this proposal would have on subsistence crab harvests in the area.

BACKGROUND: The Alaska Board of Fisheries (board) has determined 4,200–16,200 Tanner crab and 1,200–7,400 king crab are reasonably necessary for subsistence uses in the Alaska Peninsula. This amount reasonably necessary for subsistence (ANS) finding included 1,500–8,000 Tanner crab and 800–6,000 king crab within the waters west of the longitude of Scotch Cap Light and east of 168° W long. Subsistence crab permits are not required in the Alaska Peninsula-Aleutian Island Area east of Scotch Cap Light (Figure 312-1). However, subsistence crab permits are required in order to harvest crab in waters west of Scotch Cap Light and east of 168° W long (Unalaska/Dutch Harbor). On average, approximately 1,300 king crab and 3,500 Tanner crab are annually harvested by subsistence harvesters in that area (Table 312-1).

Annually, the department conducts trawl surveys to assess the king and Tanner crab stocks in the Pacific Ocean waters of the Alaska Peninsula. Recent trawl survey data indicates the red king crab population remains near historical low levels. The 2010 population estimate for red king crab was approximately 158,000 crabs, of which approximately 16,500 crab were legal-sized males (Figure 312-2). In contrast, the 2010 Tanner crab population estimate totaled 40.4 million

crabs, of which approximately 13.3 million crabs were legal-sized male Tanner crab. The commercial red king crab fishery in the Alaska Peninsula has been closed since the 1982/1983 season. Commercial Tanner crab fisheries have occurred in the Alaska Peninsula Area annually since the 2004/2005 season. Few commercial Tanner crab fisheries occurred between 1989 and 2004 due to low Tanner crab abundance.

A vessel participating in a commercial crab fishery may not be simultaneously used to target commercial and subsistence crab. Additionally, a person or vessel participating in a commercial crab fishery in the Alaska Peninsula Area may not operate commercial, subsistence, sport, or personal use pots in the same district where commercial crab fishing occurs during the 14 days immediately before the opening of the commercial crab season (5 AAC 34.053); this provision does not apply to rationalized IFQ crab fisheries in the Bering Sea (5 AAC 39.685).

DEPARTMENT COMMENTS: The department is **NEUTRAL** on this proposal. This proposal should be considered with proposals 311, 313, and 314 to address unintended effects or results.

The department **OPPOSES** the portion of the proposal that would establish regulations for the collection of crab for scientific, educational, or enhancement purposes. Fish Resource Permits are currently available from the department and provide the appropriate level of review and monitoring for individuals or organizations collecting crabs for scientific, educational, or enhancement purposes.

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

SUBSISTENCE REGULATION REVIEW:

1. Is this stock in a nonsubsistence area? No.

2. Is this stock customarily and traditionally taken or used for subsistence? The board has determined under 5 AAC 02.566 that king crab, Tanner crab, Dungeness crab, and miscellaneous shellfish are customarily and traditionally used for subsidence in the Alaska Peninsula-Aleutian Islands Area.

3. Can a portion of the stock be harvested consistent with sustained yield? Presently, the Bristol Bay red king crab stock can be harvested consistent with sustained yield. The stock is currently above the level that produces maximum sustained yield (Bmsy). If the Bristol Bay red king crab stock condition was less than 25% of Bmsy, no directed harvests would be allowed according to the federal fishery management plan (FMP).

   The Bering Sea Tanner crab stock was recently classified under the FMP as overfished and a rebuilding plan is in development. NMFS is also developing a stock assessment model and the existing harvest strategy may be revised in conjunction with Proposal 307. Therefore, until the rebuilding plan is complete it is unclear if the stock can be harvested

consistent with sustained yield. The commercial Tanner crab fishery was closed during the 2010/2011 season.

The Alaska Peninsula red king crab stock is in low abundance with and no indication of rebuilding. The commercial fishery has been closed since the 1982/1983 season. No harvest strategy exists for this stock; therefore the sustained yield level has not been determined. Subsistence fishing is open; however, no annual estimate of the harvest is available.

The Alaska Peninsula Tanner crab stock can presently be harvested consistent with sustained yield. A harvest strategy exists for this stock, and the stock is currently above the threshold for a fishery opening established in the harvest strategy. Annual surveys indicate increasing abundance throughout the management area. The commercial fishery has been open since the 2004/05 season.

4. What amount is reasonably necessary for subsistence uses? The board finds that 1,200–7,400 king crab are reasonably necessary for subsistence uses in the Alaska Peninsula-Aleutian Islands Area, which includes 800–6,000 king crab within the waters west of the longitude of Scotch Cap Light (166°44' W long) and east of 168° W long. The board finds that 4,200–16,200 Tanner crab are reasonably necessary for subsistence uses in the Alaska Peninsula-Aleutian Islands Area, which includes 1,500–8,000 Tanner crab within the waters west of the longitude of Scotch Cap Light (166°44' W long) and east of 168° W long. The board finds that 22,000–68,000 pounds of usable weight of Dungeness crab and miscellaneous shellfish is reasonably necessary for subsistence purposes in the Alaska Peninsula-Aleutian Island Area and that portion of the Kodiak Area described in 5 AAC 02.466(a)(2), combined.

5. Do the regulations provide a reasonable opportunity for subsistence uses? This is a board determination.

6. Is it necessary to reduce or eliminate other uses to provide a reasonable opportunity for subsistence uses? This is a board determination.

Table 312-1.–Estimated number of king and Tanner crab harvested by subsistence harvesters west of Scotch Cap light and east of 168° W long, by year, from permit returns,1999–2009.

Year	Permits Issued	Permits Returned	Percent Returned	Estimated King Crab Harvest	Estimated Tanner Crab Harvest
1999	179	80	45%	1,761	3,204
2000	193	137	71%	737	1,290
2001	200	153	77%	1,502	2,226
2002	231	179	77%	1,394	3,163
2003	229	160	70%	554	6,584
2004	225	144	64%	352	7,366
2005	241	182	76%	1,147	7,213
2006	256	185	72%	2,485	1,991
2007	203	122	60%	2,265	2,570
2008	242	176	73%	1,634	1,222
2009	219	168	77%	836	2,625
Average	**220**	**153**	**70%**	**1,304**	**3,539**

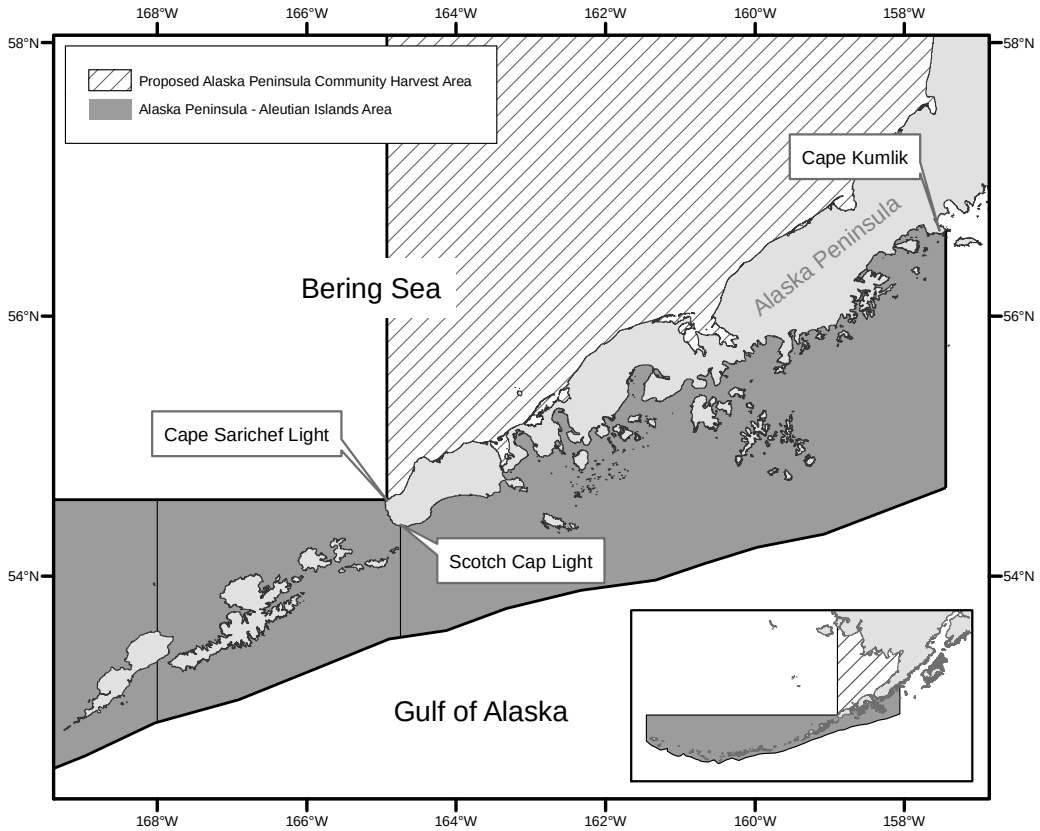

Figure 312-1.–Alaska Peninsula-Aleutian Islands Area and proposed waters of the Bering Sea to be included in the community harvest permit (see Proposal 311).

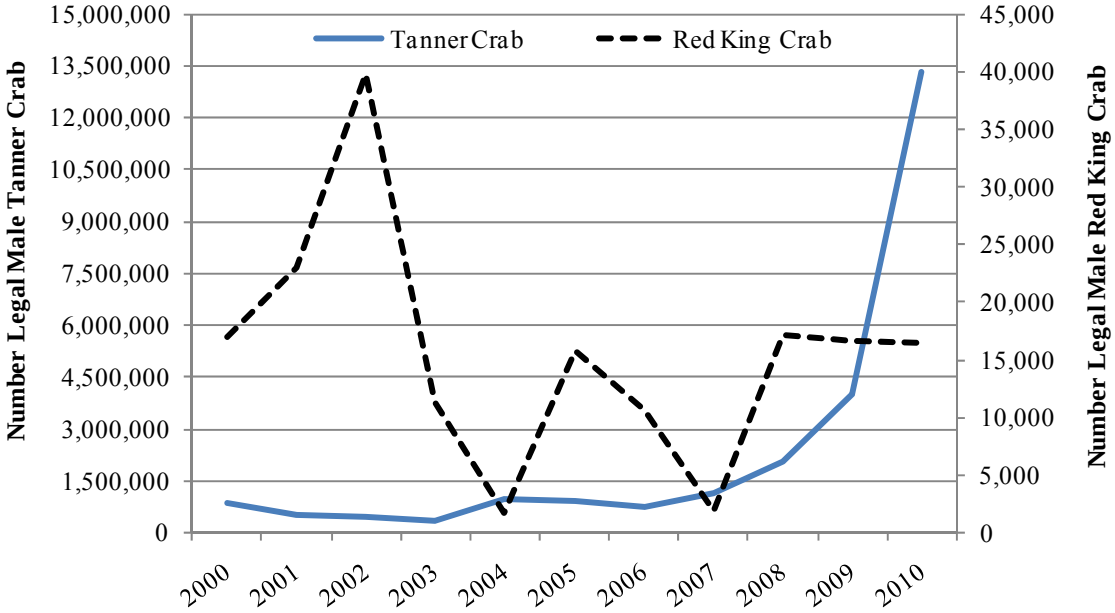

Figure 312-2.–Population estimates for legal-sized male Tanner and red king crabs in the Alaska Peninsula Area based on annual trawl survey data, 2000–2010.

PROPOSAL 313 – 5 AAC 02.566. Customary and Traditional Subsistence Uses of Shellfish Stocks and Amount Necessary for Subsistence Uses.

PROPOSED BY: Melanie Rotter.

WHAT WOULD THE PROPOSAL DO? This proposal would repeal the Alaska Board of Fisheries (board) determination on the amount of king and Tanner crabs necessary for subsistence uses (the "ANS findings") in the Alaska Peninsula-Aleutian Islands Area and adopt ANS findings for Tanner and king crabs defined as determined by anticipated need.

This proposal appears to also require the department to conduct annual king and Tanner stock assessments in Bering Sea waters (Figure 313-1) independent of other Bering Sea crab stock assessments.

WHAT ARE THE CURRENT REGULATIONS? 5 AAC 02.566 (a) The board finds that king crab, Tanner crab, Dungeness crab, and miscellaneous shellfish are customarily and traditionally used for subsistence in the Alaska Peninsula-Aleutian Islands Area.

(b) The board finds that 1,200–7,400 king crab are reasonably necessary for subsistence uses in the Alaska Peninsula-Aleutian Islands Area, which includes 800–6,000 king crab within the waters west of the longitude of Scotch Cap Light (166°44' W long) and east of 168° W long.

(c) The board finds that 4,200–16,200 Tanner crab are reasonably necessary for subsistence uses in the Alaska Peninsula-Aleutian Islands Area, which includes 1,500–8,000 Tanner crab within the waters west of the longitude of Scotch Cap Light (166°44' W long) and east of 168° W long.

ANS findings are not used as management measures; instead, they serve as guides for the board to consider when addressing reasonable opportunities for participation in subsistence harvest activities. The king and Tanner crab ANS findings do not limit or otherwise restrict subsistence harvest opportunities, nor are they annual harvest caps.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? If adopted, the effects of this proposal are uncertain, but could place the regulation out of compliance with AS 16.05.258 (b), which requires the board to establish an ANS. Ultimately, adopting an ANS finding defined as that level of crab determined by anticipated need may result in confusion or conflict because subsistence needs likely vary. There are no procedures in place to assess "subsistence needs" on an annual basis that could be used to modify the ANS each year.

BACKGROUND: Under AS 16.05.258, the board is required to identify specific fish stocks that are customarily or traditionally taken for subsistence uses. The board determines customary and traditional uses (C&T) based on eight criteria that identify patterns of subsistence uses and reliance (5 AAC 99.010). If the board finds a fish stock is customarily and traditionally used, it may adopt regulations for a subsistence fishery on that stock if a harvestable surplus is available. For stocks with positive C&T findings, the board is also required to establish an ANS. The ANS

is usually established as a range based on past harvest levels and subsistence use patterns and trends.

ANS findings for king and Tanner crabs in the Alaska Peninsula and Aleutian Islands Area were established by the board in March 1999. They were based on household harvest survey data collected by the Division of Subsistence. Given that, since 1999, subsistence permits are only required for a limited portion of the Alaska Peninsula-Aleutian Islands Area; the total number of king and Tanner crabs taken for subsistence use in the entire area annually is not available. Based on permit returns, on average, approximately 1,300 king crab and 3,500 Tanner crab are harvested annually west of Scotch Cap Light (Unalaska/Dutch Harbor; Table 313-1). These annual averages are within the ANS ranges for this portion of the area established by the board in 1999.

The board has determined that king and Tanner crabs may be taken for subsistence purposes in the Bering Sea. However, there are no regulatory or administrative ANS findings for any crab species in Bering Sea waters. The Bering Sea daily bag and possession limits are 12 Tanner crab and six king crab per person.

Most Bering Sea crab stocks are assessed annually during trawl surveys conducted by National Marine Fisheries Service (NMFS). The department additionally conducts limited pot surveys to supplement NMFS trawl surveys or assess stocks that are not readily surveyed by trawl gear. Most modern crab surveys are designed to assess the distribution and abundance of crab stocks throughout their historical range. Crab assessment surveys conducted in the Bering Sea are largely in support of commercial fisheries; however, all survey data are readily available to the public.

DEPARTMENT COMMENTS: The department is **NEUTRAL** on this proposal, but recommends that any revised ANS findings be based on the best available information from subsistence permits and household surveys. The department **OPPOSES** aspects of this proposal that would require a separate crab stock assessment in the Bering Sea waters.

This proposal should be considered with proposals 311, 312, and 314 to address unintended effects or results.

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

SUBSISTENCE REGULATION REVIEW:

1. Is this stock in a nonsubsistence area? No.

2. Is this stock customarily and traditionally taken or used for subsistence? The board has determined under 5 AAC 02.566 that king crab, Tanner crab, Dungeness crab, and miscellaneous shellfish are customarily and traditionally used for subsistence in the Alaska Peninsula-Aleutian Islands Area. The board has determined under 5 AAC 02.608 that all shellfish are customarily and traditionally taken or used for subsistence.

3. Can a portion of the stock be harvested consistent with sustained yield? Presently, the Bristol Bay red king crab stock can be harvested consistent with sustained yield. The stock is currently above the level that produces maximum sustained yield (Bmsy). If the Bristol Bay red king crab stock condition was less than 25% of Bmsy, no directed harvests would be allowed according to the federal fishery management plan (FMP).

   The Bering Sea Tanner crab stock was recently classified under the FMP as overfished and a rebuilding plan is in development. NMFS is also developing a stock assessment model and the existing harvest strategy may be revised in conjunction with Proposal 307. Therefore, until the rebuilding plan is complete it is unclear if the stock can be harvested consistent with sustained yield. The commercial Tanner crab fishery was closed during the 2010/2011 season.

   The Alaska Peninsula red king crab stock is in low abundance with and no indication of rebuilding. The commercial fishery has been closed since the 1982/1983 season. No harvest strategy exists for this stock; therefore the sustained yield level has not been determined. Subsistence fishing is open; however, no annual estimate of the harvest is available.

   The Alaska Peninsula Tanner crab stock can presently be harvested consistent with sustained yield. A harvest strategy exists for this stock, and the stock is currently above the threshold for a fishery opening established in the harvest strategy. Annual surveys indicate increasing abundance throughout the management area. The commercial fishery has been open since the 2004/05 season.

4. What amount is reasonably necessary for subsistence uses? The board finds that 1,200–7,400 king crab are reasonably necessary for subsistence uses in the Alaska Peninsula-Aleutian Islands Area, which includes 800–6,000 king crab within the waters west of the longitude of Scotch Cap Light (166°44' W long) and east of 168° W long. The board finds that 4,200–16,200 Tanner crab are reasonably necessary for subsistence uses in the Alaska Peninsula-Aleutian Islands Area, which includes 1,500–8,000 Tanner crab within the waters west of the longitude of Scotch Cap Light (166°44' W long) and east of 168° W long. The board finds that 22,000–68,000 pounds of usable weight of Dungeness crab and miscellaneous shellfish is reasonably necessary for subsistence purposes in the Alaska Peninsula-Aleutian Island Area and that portion of the Kodiak Area described in 5 AAC 02.466(a)(2), combined. The board has not adopted an ANS for shellfish in the Bering Sea Area.

5. Do the regulations provide a reasonable opportunity for subsistence uses? This is a board determination.

6. Is it necessary to reduce or eliminate other uses to provide a reasonable opportunity for subsistence uses? This is a board determination.

Table 313-1.–Estimated number of king and Tanner crab harvested by subsistence west of Scotch Cap light and east of 168° W long, by year, 1999–2009.

Year	Permits Issued	Permits Returned	Percent Returned	Estimated King Crab Harvest	Estimated Tanner Crab Harvest
1999	179	80	45%	1,761	3,204
2000	193	137	71%	737	1,290
2001	200	153	77%	1,502	2,226
2002	231	179	77%	1,394	3,163
2003	229	160	70%	554	6,584
2004	225	144	64%	352	7,366
2005	241	182	76%	1,147	7,213
2006	256	185	72%	2,485	1,991
2007	203	122	60%	2,265	2,570
2008	242	176	73%	1,634	1,222
2009	219	168	77%	836	2,625
Average	**220**	**153**	**70%**	**1,304**	**3,539**

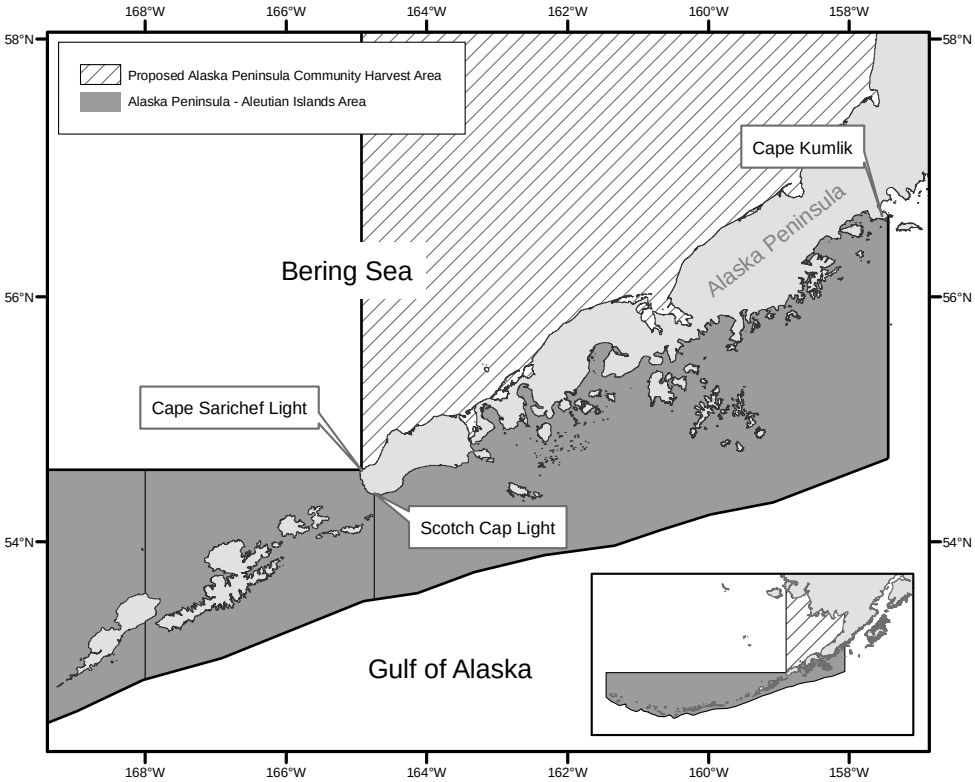

Figure 313-1.–Alaska Peninsula-Aleutian Islands Area and proposed waters of the Bering Sea to be included in the community subsistence harvest permit (see Proposal 311).

Statewide King and Tanner Crab: (2 proposals)

PROPOSAL 314 – 5 AAC 02.011(d). Subsistence Fishing by Proxy.

PROPOSED BY: Melanie Rotter.

WHAT WOULD THE PROPOSAL DO? Modify statewide subsistence shellfish proxy regulations to except those harvesting shellfish under a community subsistence harvest permit from having to comply with the provisions in the proxy regulation.

WHAT ARE THE CURRENT REGULATIONS? A proxy may retain subsistence shellfish for his or her own use, as well as for one beneficiary at the same time, 5 AAC 02.011. While harvesting for a beneficiary, the proxy may not operate more than one legal limit of gear or take more than twice the bag and possession limit of the targeted species. Prior to fishing, a proxy must obtain and complete a proxy fishing information form provided by the department.

A beneficiary may not have more than one proxy harvest shellfish on the beneficiary's behalf at a time. A beneficiary may not take shellfish at the same time that a proxy is taking or attempting to take shellfish on the beneficiary's behalf.

According to AS 16.05.405, a proxy is a resident of Alaska who holds a valid resident sport fishing license, ADF&G Permanent Identification card, or ADF&G Disabled Veteran's card. A beneficiary is a resident of Alaska who is blind, disabled as defined in AS 16.05.940, or 65 years of age or older.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? If adopted, the effect of this proposal would be unknown. Currently, there are no records of proxy fishing for shellfish in the Alaska Peninsula-Aleutian Islands Area. It is also unknown how many eligible beneficiaries reside in the area. Thus, the department is unable to estimate what impacts, if any, this proposal would have on subsistence activities or crab stocks.

BACKGROUND: The intent of proxy fishing is to provide food for Alaskan residents who are unable to harvest fish for themselves due to age or disability. The Alaska Peninsula-Aleutian Islands Area daily bag and possession limit is 12 Tanner crabs per person. Only male Tanner crab five and one-half inches or greater in width may be retained. The bag and possession limits for king crab are six crabs per person, except in waters west of Scotch Cap Light and east of 168° W long, where the daily bag and possession limit is one king crab per person. Only male king crab six and one-half inches or greater in shell width may be retained. King crab may be taken only from June 1 through January 31.

DEPARTMENT COMMENTS: The department is **NEUTRAL** on this proposal. Should the board adopt this proposal, the department recommends establishing new proxy fishing regulations specific to the Alaska Peninsula-Aleutian Islands Area. Amending statewide proxy fishing regulations may have unintended consequences in other areas of the state.

This proposal should be considered with proposals 311, 312, and 313 to address unintended effects or results.

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

SUBSISTENCE REGULATION REVIEW:

1. Is this stock in a nonsubsistence area? No.

2. Is this stock customarily and traditionally taken or used for subsistence? The board has determined under 5 AAC 02.566 that king crab, Tanner crab, Dungeness crab, and miscellaneous shellfish are customarily and traditionally used for subsidence in the Alaska Peninsula-Aleutian Islands Area.

3. Can a portion of the stock be harvested consistent with sustained yield? Presently, the Bristol Bay red king crab stock can be harvested consistent with sustained yield. The stock is currently above the level that produces maximum sustained yield (Bmsy). If the Bristol Bay red king crab stock condition was less than 25% of Bmsy, no directed harvests would be allowed according to the federal fishery management plan (FMP).

   The Bering Sea Tanner crab stock was recently classified under the FMP as overfished and a rebuilding plan is in development. NMFS is also developing a stock assessment model and the existing harvest strategy may be revised in conjunction with Proposal 307. Therefore, until the rebuilding plan is complete it is unclear if the stock can be harvested consistent with sustained yield. The commercial Tanner crab fishery was closed during the 2010/2011 season.

   The Alaska Peninsula red king crab stock is in low abundance with and no indication of rebuilding. The commercial fishery has been closed since the 1982/1983 season. No harvest strategy exists for this stock; therefore the sustained yield level has not been determined. Subsistence fishing is open; however, no annual estimate of the harvest is available.

   The Alaska Peninsula Tanner crab stock can presently be harvested consistent with sustained yield. A harvest strategy exists for this stock, and the stock is currently above the threshold for a fishery opening established in the harvest strategy. Annual surveys indicate increasing abundance throughout the management area. The commercial fishery has been open since the 2004/05 season.

4. What amount is reasonably necessary for subsistence uses? The board finds that 1,200–7,400 king crab are reasonably necessary for subsistence uses in the Alaska Peninsula-Aleutian Islands Area, which includes 800–6,000 king crab within the waters west of the longitude of Scotch Cap Light (166°44' W long) and east of 168° W long. The board finds that 4,200–16,200 Tanner crab are reasonably necessary for subsistence uses in the Alaska Peninsula-Aleutian Islands Area, which includes 1,500–8,000 Tanner crab within the waters west of the longitude of Scotch Cap Light (166°44' W long) and east of 168° W long. The board finds that 22,000–68,000 pounds of usable weight of Dungeness crab and miscellaneous shellfish is reasonably necessary for subsistence purposes in the

Alaska Peninsula-Aleutian Island Area and that portion of the Kodiak Area described in 5 AAC 02.466(a)(2), combined.

5. Do the regulations provide a reasonable opportunity for subsistence uses? This is a board determination.

6. Is it necessary to reduce or eliminate other uses to provide a reasonable opportunity for subsistence uses? This is a board determination.

PROPOSAL 315 – 5 AAC 02.xxx, 75.xxx, and 77.xxx New Sections. ***(****This proposal was erroneously cited as 5 AAC 58.0xx. Cook Inlet Resurrection Bay Saltwater Area.)*

PROPOSED BY: Alaska Department of Public Safety.

WHAT WOULD THE PROPOSAL DO? Adoption of this proposal would prohibit lodging, food, or sport fishing guide service providers, or their employees, from operating sport, personal use, and subsistence shellfish gear with clients present, and would also explicitly prohibit furnishing sport, personal use, and subsistence-caught shellfish to paying clients unless the shellfish were caught and consumed by the clients or in the client's presence. This proposal would continue to allow clients to deploy, operate, and retrieve their own sport, personal use, or subsistence gear with guides present.

WHAT ARE THE CURRENT REGULATIONS? Regulations restricting the use and sale of shellfish harvested in noncommercial fisheries are found in the appropriate subsistence, personal use, and sport chapters:

5 AAC 02.010. *Methods, means, and general restrictions*. (b) "Unless otherwise specified in this chapter, it is unlawful to buy or sell subsistence-taken shellfish, their parts, or their eggs, except that it is lawful to buy or sell a handicraft made out of the skin, shell, or nonedible by-products of shellfish taken for personal or family consumption."

5 AAC 75.015. *Sale of sport-caught fish unlawful*. "No person may buy, sell or barter sport-caught fish or their parts."

5 AAC 77.010. *Methods, means, and general restrictions.* (b) "It is unlawful to buy, sell, trade or barter fish or their parts taken under the regulations in 5 AAC 77.

However, regulations do not prohibit lodging, food, or sport fishing guide service providers or their employees from furnishing sport, personal use, or subsistence-harvested shellfish free of charge to persons with whom they concurrently have a service provider-client relationship.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? This proposal would more specifically define noncommercial use, and, in some instances, could reduce the impact of noncommercial harvest on the resource.

BACKGROUND: Commercial operations, such as lodges, charter boat operators, and crew, who pull their own sport, personal use, or subsistence shellfish pots and provide shellfish to paying clients are engaging in commercial use of noncommercial harvests. Regulations 5 AAC 02.199 and 5 AAC 02.499 clearly prohibit this practice in subsistence shellfish fisheries in Southeast Alaska and Kodiak; 5 AAC 47.036 and 5 AAC 77.699 further prohibit this activity in personal use and sport shellfish fisheries in Southeast Alaska. Regulations for areas outside of Southeast Alaska and Kodiak do not clearly state that owners, operators, or employees of any enterprise that provides lodging, food, or sport fishing guide services are prohibited from setting and retrieving noncommercial shellfish pots while paying clients are present, and prohibit

supplying their customers with noncommercial shellfish. Therefore, the commercial use of sport, personal use, or subsistence-caught shellfish is occurring and difficult to enforce.

DEPARTMENT COMMENTS: The department **SUPPORTS** this proposal. The department supports specific regulatory language that prohibits the abuse of subsistence, sport, and personal use-caught resources within commercial operations. The department also supports the clarification of regulations for improved understanding by the public and enforcement personnel.

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