PROPOSAL 390 - 5 AAC 39.141. Onboard observer program. Allow observers access to vessel coordinates in all pot fisheries as follows:

(f) Onboard observers shall have access to vessel coordinates at any time, including free and unobstructed access to vessel coordinates and depths for all sampled pots.

PROBLEM: Current regulation allows onboard observers to have access to the vessel's navigation equipment for all sampled pots in the Aleutian Islands brown king crab fishery. The department proposes to expand this requirement to all pot fisheries where observer data is collected. The proposal also changes current regulation to simply state that the observer may have access to coordinates at any time.

*Note: The department anticipates submitting an agenda change request to expand this proposal to include all fisheries where observer data is collected.

WHAT WILL HAPPEN IF NOTHING IS DONE? Except in the Aleutian Islands brown king crab fisheries, observer data collected from the fishing grounds will be incomplete and the amount of data available for the management of fisheries diminished.

WILL THE QUALITY OF THE RESOURCE HARVESTED OR PRODUCTS PRODUCED BE IMPROVED? No.

WHO IS LIKELY TO BENEFIT? All user groups, stakeholders and agencies involved with fishery resources.

WHO IS LIKELY TO SUFFER? Vessel operators will be required to provide more information.

OTHER SOLUTIONS CONSIDERED? None.

PROPOSED BY: Alaska Department of Fish and Game (HQ-04-F-289)

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PROPOSAL 391 - 5 AAC 34. King crab fishery and 5 AAC 39. General Provisions. Amend these regulations as follows:

Change "brown king crab" to "golden king crab."

PROBLEM: Regulations do not match common terminology nor the proper name given in the official department writer's guide.

WHAT WILL HAPPEN IF NOTHING IS DONE? Confusion between public announcements and regulations.

WILL THE QUALITY OF THE RESOURCE HARVESTED OR PRODUCTS PRODUCED BE IMPROVED? No.

WHO IS LIKELY TO BENEFIT? Everyone.

WHO IS LIKELY TO SUFFER? No one.

OTHER SOLUTIONS CONSIDERED? None.

PROPOSED BY: Alaska Department of Fish and Game (HQ-04-F-267)

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PROPOSAL 392 - 5 AAC 34.150. Closed waters in Registration Area A. Amend this regulation as follows:

(1)…to the easternmost tip of Point Salisbury **at 58° 12.5' N lat. and 134° 13.75' W longitude**...

PROBLEM: Point Salisbury is not a distinct point and needs to be defined by latitude and longitude.

WHAT WILL HAPPEN IF NOTHING IS DONE? Confusion will continue about the boundaries of the red king crab closed waters in Registration Area A.

WILL THE QUALITY OF THE RESOURCE HARVESTED OR PRODUCTS PRODUCED BE IMPROVED? No.

WHO IS LIKELY TO BENEFIT? The fleet, and the department would benefit from clarification of the closed water boundaries.

WHO IS LIKELY TO SUFFER? No one.

OTHER SOLUTIONS CONSIDERED? None.

PROPOSED BY: Alaska Department of Fish and Game (HQ-04-F-276)

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PROPOSAL 393 - 5 AAC 34.125(c). Lawful gear for Registration Area A. Amend this regulation as follows:

(c) Effective **November 1, 2006,** [OCTOBER 1, 1997] king crab pots must have either at least one-third of one vertical surface of **a square pot, or sloping surface of a conical or pyramid pot** composed of not less than nine-inch stretch mesh webbing or have at least four circular escape rings of 6¼ inches minimum inside diameter. Each surface of a pot using escape rings must contain at least one escape ring of 6¼ inches minimum inside diameter**; the lowest edge of each escape ring must be within eight inches of the top of the web bar on the pot**. Escape rings or stretch mesh webbing must be so located on the plane to permit the escapement of undersize crab. **One ring must be installed in each quadrant of the pot.**

PROBLEM: The current description of escape ring placement is clear only for square pots that have vertical side walls, also there is currently no description of relative escape ring placement, thus all four escape rings could be adjacent to each other, resulting in less efficient escape of juvenile and female crabs. Furthermore, the distance of escape rings relative to the web bar is not specified and rings that are placed too high do not function as efficiently at escaping king crabs.

WHAT WILL HAPPEN IF NOTHING IS DONE? Proper escape ring placement will continue to be unclear and improperly placed escape rings will be less efficient in escaping nonlegal king crabs.

WILL THE QUALITY OF THE RESOURCE HARVESTED OR PRODUCTS PRODUCED BE IMPROVED? Yes, leg loss will be reduced through proper use of escape rings.

WHO IS LIKELY TO BENEFIT? The fleet, the resource and the department and the Department of Public Safety will benefit from a clearer description of legal gear and from more careful specification of the optimal escape ring placement.

WHO IS LIKELY TO SUFFER? Individuals with improperly placed escape rings will be required to adjust their placement.

OTHER SOLUTIONS CONSIDERED? None.

PROPOSED BY: Alaska Department of Fish and Game (HQ-04-F-278)

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PROPOSAL 394 - 5 AAC 34.127(1) and (2). King crab pot storage requirements for Registration Area A. Amend this regulation as follows:

Repeal paragraphs (1) and (2):

…King crab pots…may be stored only
[(1) FOR SEVEN DAYS FOLLOWING THE SEASON CLOSURE FOR KING CRAB IN REGISTRATION AREA A. (2) FOR 72 HOURS FOLLOWING THE SEASON CLOSURE FOR KING CRAB IN ANY PORTION OF REGISTRATION AREA A]

Pot storage after closure is addressed in 5 AAC 34.052., King crab gear storage requirements. No enforcement problem would arise since golden king crab are not found in waters of 25 fathoms or less.

PROBLEM: The 72-hour requirement to move or remove gear following partial closure of golden king crab areas may entail carrying pots a much as 100 miles to open areas. This is very difficult if one does not have a very large boat.

WHAT WILL HAPPEN IF NOTHING IS DONE? Small (and large) boats will be put at risk moving gear in bad weather or be forced to hire freighter/tenders to move pots.

WILL THE QUALITY OF THE RESOURCE HARVESTED OR PRODUCTS PRODUCED BE IMPROVED? No.

WHO IS LIKELY TO BENEFIT? Boats unable to move an entire string of pots at once.

WHO IS LIKELY TO SUFFER? Larger boats may lose some competitive advantage.

OTHER SOLUTIONS CONSIDERED? None considered.

PROPOSED BY: Peter Roddy (HQ-04-F-046)

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PROPOSAL 395 - 5 AAC 34.128(b). Operation of other gear in Registration Area A; and 5 AAC 35.128(b). Operation of other gear in Registration Area A. Amend these regulations as follows:

(b) Notwithstanding…may operate commercial, **subsistence, or personal use** shrimp pots or Dungeness crab…if the commercial **or personal use** season is open…

PROBLEM: King and Tanner crab fishers are prohibited to operate Dungeness or shrimp personal use pots during the king and Tanner crab seasons.

WHAT WILL HAPPEN IF NOTHING IS DONE? King and Tanner crab fishermen and their families will not be able to eat Dungeness and shrimp during the king and Tanner crab seasons.

WILL THE QUALITY OF THE RESOURCE HARVESTED OR PRODUCTS PRODUCED BE IMPROVED? No.

WHO IS LIKELY TO BENEFIT? Tanner and King crab fishers and their families and friends.

WHO IS LIKELY TO SUFFER? No one. Crab and shrimp harvested by the affected group will be statistically insignificant.

OTHER SOLUTIONS CONSIDERED? None.

PROPOSED BY: Peter Roddy (HQ-04-F-089)

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PROPOSAL 396 - 5 AAC 34.110(d). Fishing seasons for Registration Area A. Repeal paragraph (d) in this regulation as follows:

(d) **Repealed.** [(D) DURING PERIODS OPENED AND CLOSED BY EMERGENCY ORDER, ONLY MALE KING CRAB EIGHT INCHES (203 MM) OR GREATER IN WIDTH OF SHELL MAY BE TAKEN.]

PROBLEM: In the 1975/1976 season a regulation permitting the opening of a fishery by emergency order for male red king crab eight inches or greater in width of shell was established based upon a staff proposal. The justification for this regulation was as follows: "Protection of a weak recruit size-class is desirable for proper management, yet a total closure eliminates fishing on larger size-classes which might warrant additional harvest. This would allow fishing on the larger size-classes and protection of the recruit size-class if the situation should arise." This regulation is now obsolete as current management by survey-based population estimate and threshold allows the department to far more accurately pinpoint appropriate harvest levels assuring that all age classes are well represented in the population.

WHAT WILL HAPPEN IF NOTHING IS DONE? An obsolete regulation will remain in the regulation booklet to puzzle fishers and managers alike.

WILL THE QUALITY OF THE RESOURCE HARVESTED OR PRODUCTS PRODUCED BE IMPROVED? No.

WHO IS LIKELY TO BENEFIT? The fleet and the department will benefit from clarification of current red king crab management practices.

WHO IS LIKELY TO SUFFER? No one.

OTHER SOLUTIONS CONSIDERED? None.

PROPOSED BY: Alaska Department of Fish and Game (HQ-04-F-281)

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PROPOSAL 397 - 5 AAC 34.175. Guideline harvest level for Registration Area D. Amend this regulation as follows:

In Registration Area D, the guideline harvest **range** [LEVEL] for the taking of red and blue king crab is **0 – 20,000** [40,000] pounds.

PROBLEM: The current GHL for red/blue king crab in Registration Area D has never been taken. The highest harvest to date was 14,000 pounds in the 1979/1980 season, and in the past ten seasons has not exceeded 4,000 pounds. Having an unrealistically high GHL in regulation creates unrealistic expectations of harvest opportunities in this area.

WHAT WILL HAPPEN IF NOTHING IS DONE? Confusion over a realistic expectation of harvest opportunity will continue.

WILL THE QUALITY OF THE RESOURCE HARVESTED OR PRODUCTS PRODUCED BE IMPROVED? No.

WHO IS LIKELY TO BENEFIT? The fleet, and the department will benefit from clarification of realistic harvest expectations in this registration area.

WHO IS LIKELY TO SUFFER? No one.

OTHER SOLUTIONS CONSIDERED? None.

PROPOSED BY: Alaska Department of Fish and Game (HQ-04-F-277)

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PROPOSAL 398 - 5 AAC 34.113(c). Southeast Alaska Red King Crab Management Plan. Amend this regulation as follows:

The department shall close the fishery if the department's estimate of the available harvest is below the minimum threshold of 200,000 pounds of legal male red king crab.

PROBLEM: In 2002, the board lowered the threshold amount for a commercial red king crab fishery from 300,000 lbs. to 200,000 lbs. The regulation had a three year sunset clause. The first three years were a trial period to see if the department could successfully target a 200,000 lb. GHL using the mandatory call-in program. The department has been able to target the GHL without going over since the program has been in place. Therefore we propose to remove the sunset provision and fix the 200,000 lb. threshold in regulation.

WHAT WILL HAPPEN IF NOTHING IS DONE? If the board does not take action, the threshold for a commercial red king crab fishery will revert to the 300,000 lb. level, which was set originally for economic rather than biological reasons, and which would have prevented a commercial fishery the past two seasons.

WILL THE QUALITY OF THE RESOURCE HARVESTED OR PRODUCTS PRODUCED BE IMPROVED? No.

WHO IS LIKELY TO BENEFIT? Commercial red king crab fishermen.

WHO IS LIKELY TO SUFFER? No one.

OTHER SOLUTIONS CONSIDERED? None.

PROPOSED BY: Petersburg Vessel Owners Association (HQ-04-F-218)

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PROPOSAL 399 - 5 AAC 34.107. Description of golden [BROWN] king crab fishing areas within Registration Area A. Amend this regulation as follows:

(a) **Northern Area**: [(B) ICY STRAITS AREA] all waters of Sections 11-A, and 13-C and Section 13-A in Peril Straits **north and** east of Point Kakul at 57° 21.83' N. lat. and 135° 41.42' W. long., and Districts 12 and 15;
(b) Icy Straits Area: all waters of [SECTION 11-A, SECTION 13-C, AND SECTION 13-A IN PERIL STRAITS EAST OF POINT KAKUL, AND] District 14 [12, 14, AND 15];
(c) **North Stephens Passage Area:** [(A) FREDERICK SOUND AREA:] all waters of Sections 11-B, **and** 11-C; [AND]
(d) **East Central Area: all waters of Section** 11-D, all waters of District 10, all waters of District 9 east of a line from Kingsmill Point at 56° 50.00' N. lat., 134° 25.17' W. long. to Point Gardner at 57° 01.00' N. lat., 134° 37.00' W. long., all waters of District 8 north of the latitude of Blaquiere Point 56° 35.00'N. lat., all waters of Section 6-A, and all waters of District 5 north of the latitude of Point Baker 56 21.53'N. lat.;
(e) **Mid** [(C)] Chatham Strait Area: all waters of District 9 north of the latitude of Point Ellis 56° 33.67'N. lat. and west of a line from Kingsmill Point to Point Gardner;
(f) **Lower Chatham Strait Area:** [(D) CAPE OMMANEY AREA:] all waters of District 9 south of the latitude of Point Ellis 56° 33.67' N. lat., and that portion of District 13-B south of the latitude of Redfish Cape, located at 56º 18.67'N. lat., 134º 52.33' W. long.;
(g) **Southern Area:** [(E) CLARENCE STRAITS AREA:] all waters of District 1 and District 2, all waters of District 6 south of a line from Point Colpoys to Macnamara Point, and all waters of District 7 south of the latitude of Point Eaton at 55° 56.80' N. lat.

PROBLEM: Golden king crab management areas are named in a confusing manner; to compound this problem, since the 1999/2000 season the Frederick Sound and Icy Strait management areas have been being managed as two sub-areas each, respectively North Frederick (North Stephens Passage Area) and Frederick Sound (East Central Area) and West Icy (Icy Strait Area) and Icy Strait (Northwest Area) subareas, each with their own GHL. These subareas are not defined in regulation and so must be repeatedly described in news releases and emergency orders. Geographically accurate names of current management areas are needed.

WHAT WILL HAPPEN IF NOTHING IS DONE? Confusion over management unit boundaries, and associated GHLs will continue.

WILL THE QUALITY OF THE RESOURCE HARVESTED OR PRODUCTS PRODUCED BE IMPROVED? No.

WHO IS LIKELY TO BENEFIT? The fleet and the department will benefit from clarification of management units and associated GHLs.

WHO IS LIKELY TO SUFFER? No one.

OTHER SOLUTIONS CONSIDERED? None.

PROPOSED BY: Alaska Department of Fish and Game (HQ-04-F-279)

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PROPOSAL 400 - 5 AAC 34.115(b). Guideline harvest ranges for Registration Area A. Amend this regulation as follows:

(b) In Registration Area A, the guideline harvest ranges for the taking of brown king crab in the following areas are:

(1) Northwest Area, from zero through 110,000 pounds;
(2) Icy Strait Area, from zero through **90,000** [200,000] pounds;
(3) North Stephens Passage Area, from zero through 25,000 pounds;
(4) East Central Area, [FREDERICK SOUND AREA] from zero through **225,000** [250,000] pounds;
(5) Mid- [(C)]Chatham Strait Area, from zero through 150,000 pounds;
(6) Lower Chatham Strait Area, [CAPE OMMANEY AREA] from zero through 50,000 pounds;
(7) Southeast Area, [CLARENCE STRAITS AREA] from zero through 25,000 pounds;

PROBLEM: Since the 1999/2000 season the Frederick Sound and Icy Strait Golden king crab management areas have been being managed as two subareas each, respectively North Frederick and Frederick Sound and West Icy and Icy Strait subareas, each with their own guideline harvest ranges (GHR). These GHRs are being defined here.

WHAT WILL HAPPEN IF NOTHING IS DONE? Confusion over management unit boundaries, and associated GHRs will continue.

WILL THE QUALITY OF THE RESOURCE HARVESTED OR PRODUCTS PRODUCED BE IMPROVED? No.

WHO IS LIKELY TO BENEFIT? The fleet and the department will benefit from clarification of management units and associated GHRs.

WHO IS LIKELY TO SUFFER? No one.

OTHER SOLUTIONS CONSIDERED? None.

PROPOSED BY: Alaska Department of Fish and Game (HQ-04-F-280)

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PROPOSAL 401 - 5 AAC 34.120(4). Size limits for Registration Area A. Repeal paragraph (4) in this regulation as follows:

(4) **Repealed** [MALE BROWN KING CRAB 6 ½ INCHES (165 MM) OR GREATER IN WIDTH OF SHELL MAY BE TAKEN OR POSSESSED IN THE CAPE OMMANEY AND CLARENCE STRAIT AREAS DURING ANY PERIOD OPENED BY EMERGENCY ORDER.]

PROBLEM: A regulation was put in place by the board at its winter 1993 meeting allowing for a season to be opened by the department to harvest of 6 ½-inch width male golden (brown) king crab

in Cape Ommaney and Clarence Strait Areas. While crab in these areas may be smaller on average it is unknown if this is a genetic characteristic of the stock or that a younger age class inhabits these areas. Hence this regulation has been used only once, in the 1992/1993 season.

WHAT WILL HAPPEN IF NOTHING IS DONE? An obsolete regulation will remain in the regulation booklet to puzzle fishers and managers alike.

WILL THE QUALITY OF THE RESOURCE HARVESTED OR PRODUCTS PRODUCED BE IMPROVED? No.

WHO IS LIKELY TO BENEFIT? The fleet and the department will benefit from clarification of current golden king crab management practices.

WHO IS LIKELY TO SUFFER? No one.

OTHER SOLUTIONS CONSIDERED? None.

PROPOSED BY: Alaska Department of Fish and Game (HQ-04-F-282)

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PROPOSAL 402 - 5 AAC 35.115. Guideline harvest range [LEVEL] for Registration Area A. Amend this regulation as follows:

In Registration Area A, the [GUIDELINE HARVEST LEVEL FOR TANNER CRAB IS 2,000,000 POUNDS] **guideline harvest range for Tanner crab is 0 – 2,000,000 pounds**.

PROBLEM: The current guideline harvest level implies that harvest will achieve this level each season. Since harvest level must reflect stock strength, which fluctuates; this is impossible to achieve and creates confusion and leads to false expectations.

WHAT WILL HAPPEN IF NOTHING IS DONE? Confusion about department's intentions of harvest objectives will continue.

WILL THE QUALITY OF THE RESOURCE HARVESTED OR PRODUCTS PRODUCED BE IMPROVED? No.

WHO IS LIKELY TO BENEFIT? The resource and its users will benefit from more transparent management.

WHO IS LIKELY TO SUFFER? No one.

OTHER SOLUTIONS CONSIDERED? None.

PROPOSED BY: Alaska Department of Fish and Game (HQ-04-F-270)

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PROPOSAL 403 - 5 AAC 35.XXX. Description of Tanner crab fishing areas within Registration Area A. Create a new regulation as follows:

(a) The Tanner crab Core areas are as follows:

(1) Lower Lynn Canal Area: All waters of Sections 15-B and 15-C.

(2) Icy Strait Area: All waters of Sections 14-B and 14-C.

(3) North Stephens Passage Area: All waters of Sections 11-A; 11-B and 11-D, and all waters of Holkam Bay north and east of a line between Pt. Coke and Pt. Astely.

(4) East Frederick Sound/Sumner Area: All waters of Frederick Sound east of a line between Bay Point and Boulder Point including Farragut Bay, Thomas Bay, and the Stikine River flats including Sections 8-A, 8-B, waters north and east of a line between Mitchell Point and Point St. John including Kah Sheets Bay, Duncan Canal, and Wrangell Narrows.

(5) Keku Strait Area: All waters of Keku Strait and Port Camden and associated embayments southeast of a line between Cornwallis Point and Point McCartney and west of a line between Point Camden and Salt Point Light.

(b) The Tanner crab Non-core Area is: All other waters of Registration Area A.

PROBLEM: For the past two seasons, Tanner crab stocks have been managed as core and noncore areas but these areas are not defined in regulations and must be described each season in the emergency order and news release.

WHAT WILL HAPPEN IF NOTHING IS DONE? Confusion over core area boundaries will continue with a likelihood of boundary violations.

WILL THE QUALITY OF THE RESOURCE HARVESTED OR PRODUCTS PRODUCED BE IMPROVED? No.

WHO IS LIKELY TO BENEFIT? Commercial fishermen and the department.

WHO IS LIKELY TO SUFFER? No one.

OTHER SOLUTIONS CONSIDERED? None.

PROPOSED BY: Alaska Department of Fish and Game (HQ-04-F-271)

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PROPOSAL 404 - 5 AAC 35.XXX. Southeast Alaska Tanner Crab Management Plan. Create a new regulation as follows:

(a) The Southeast Alaska Tanner crab fishery shall be managed consistently with the board's "Policy on King and Tanner Crab Resource Management" (90-4-FB, March 23, 1990), adopted by this reference, and according to the principles set out in this section.

(b) The department shall close an area if the abundance of various sizes of male and female crabs is inadequate to provide for a sustained harvest.

(c) The department shall determine an appropriate guideline harvest level before each fishing season. If population estimates are not available, then the guideline harvest level will be based on stock assessment data, historical fishery performance, and catch information. A lack of adequate information will result in biologically conservative management to reduce the risk of overharvest.

(d) If inseason management is not possible the GHL will be targeted with a closure date pre-determined before the fishery.

(e) In order to reduce fishing pressure in the core areas, and encourage fleet dispersion, additional fishing opportunity may be provided in the Non-core Area after core areas have closed for the season, except important red king crab habitat areas may be closed to Tanner crab fishing to prevent excessive handling of red king crab.

PROBLEM: The Southeast Tanner crab fishery is currently managed without a comprehensive management plan and has suffered from excessive harvest pressure in traditionally productive "core" fishing areas. The board recognized this during the March 2002 meeting when it charged the department and the King and Tanner Crab Task Force to jointly develop a management plan with major goals of reducing harvest pressure in core areas, reducing handling of nonlegal crab,

developing inseason management methods and estimates of abundance, and continuing conservative management.

WHAT WILL HAPPEN IF NOTHING IS DONE? The management approach of the Tanner crab fishery will continue to be unclear to stakeholders and the public.

WILL THE QUALITY OF THE RESOURCE HARVESTED OR PRODUCTS PRODUCED BE IMPROVED? No.

WHO IS LIKELY TO BENEFIT? Stakeholders and the department would benefit through a clearer understanding of department's management goals and by moving toward a more objective approach for determining appropriate harvest levels.

WHO IS LIKELY TO SUFFER? No one.

OTHER SOLUTIONS CONSIDERED? Various other elements were considered for the management plan, however incorporating them into the current management plan was determined to be premature at this time.

PROPOSED BY: Alaska Department of Fish and Game (HQ-04-F-272)

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PROPOSAL 405 - 5 AAC 35.110(1). Fishing seasons for Registration Area A. Amend this regulation as follows:

(1) in the general season, only from 12:00 noon [FEBRUARY 15 THROUGH MAY 1] **with the season starting on the smallest part of the tides within a window timeframe of February 10 through February 17, through May 1.**: (Starting date could be determined by consultation with the King and Tanner Crab Task Force.)

PROBLEM: Add another tool for use in the management of the Tanner crab fishery that would allow the fishery to start on the small side of the tides.

WHAT WILL HAPPEN IF NOTHING IS DONE? It decreases the numbers of tools available for the management of the fishery. With the short five day seasons that we have had the last several years, the fishery starting on the peak of the large tides increases the numbers of golden king crab fishermen who will start the season out by fishing Tanners only because of the large tides making it difficult to fish golden king crab. Tanner crab do not feed as well on a large tide cycle compared to the backside of the tide.

WILL THE QUALITY OF THE RESOURCE HARVESTED OR PRODUCTS PRODUCED BE IMPROVED? Not applicable.

WHO IS LIKELY TO BENEFIT? Commercial Tanner crab fishermen will benefit through the ability to harvest crab during the small tides.

WHO IS LIKELY TO SUFFER? Some golden king crab fishermen may feel that it will affect their decision on whether to start with golden king crab or the Tanner season.

OTHER SOLUTIONS CONSIDERED? No other solutions were considered. I saw this as just another tool that could be used in the management of the fishery.

PROPOSED BY: Ladd Norheim (HQ-04-F-336)

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PROPOSAL 406 - 5 AAC 35.XXX. Landing requirements for Registration Area A. Create a new regulation as follows:

The provisions of 5 AAC 35.031(d) do not apply to Registration Area A.

PROBLEM: Logbook and call-in requirements currently in place provide sufficient information on harvest location. The department currently approves fishers wishing to continue fishing after the closure of core fishing areas for extended holding of Tanner crab through 24 hours following the closure of the noncore Tanner crab fishing areas.

WHAT WILL HAPPEN IF NOTHING IS DONE? The department will continue to approve fishers wishing to continue fishing after the closure of core fishing areas for extended holding of Tanner crab through 24 hours following the closure of the noncore Tanner crab fishing areas.

WILL THE QUALITY OF THE RESOURCE HARVESTED OR PRODUCTS PRODUCED BE IMPROVED? No.

WHO IS LIKELY TO BENEFIT? The fleet, the department, and the Department of Public Safety.

WHO IS LIKELY TO SUFFER? No one.

OTHER SOLUTIONS CONSIDERED? None.

PROPOSED BY: Alaska Department of Fish and Game (HQ-04-F-273)

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PROPOSAL 407 - 5 AAC 35.125. Lawful gear for Registration Area A. Amend this regulation as follows:

(a) Tanner crab may be taken only with Tanner crab pots **or** [AND] ring nets. Tanner crab taken by other means must be returned to the water without further harm.

(e) **Beginning February 15, 2006,** [BEGINNING FEBRUARY 1, 2003], in Registration Area A, pots used to take Tanner crab must have

(1) at least one-third of one vertical surface of **a square pot, or sloping surface of a conical or pyramid pot,** [THE POT] composed of not less than seven-inch stretched mesh webbing, placed on the bottom one-third of the vertical **or sloping** surface of the pot; or

(2) no less than four circular escape rings of four and three-quarters inch minimum inside diameter on the vertical plane of **a square pot or the sloping plane of a conical or pyramid pot** [A POT] to permit escapement of undersize Tanner crab; each [VERTICAL] surface of a pot using escape rings must contain at least one escape ring of four and three-quarters inch minimum inside diameter; the lowest edge of each escape ring must be within eight inches of the top of the web bar on the pot. **One ring must be installed in each quadrant of the pot.**

PROBLEM: The current description of escape ring placement is clear only for square pots that have vertical side walls, also, also there is currently no description of relative escape rings placement, thus all four escape rings could be adjacent to each other, resulting in less efficient escape of juvenile and female crabs.

WHAT WILL HAPPEN IF NOTHING IS DONE? Proper escape ring placement will continue to be unclear and improperly placed escape rings will be less efficient in escaping nonlegal crabs.

WILL THE QUALITY OF THE RESOURCE HARVESTED OR PRODUCTS PRODUCED BE IMPROVED? Yes, leg loss will be reduced through proper use of escape rings.

WHO IS LIKELY TO BENEFIT? The fleet, the resource, the department and the Department of Public Safety will benefit from a clearer description of legal gear and from more careful specification of the optimal escape ring placement.

WHO IS LIKELY TO SUFFER? Individuals with improperly placed escape rings will be required to adjust their placement.

OTHER SOLUTIONS CONSIDERED? None.

PROPOSED BY: Alaska Department of Fish and Game (HQ-04-F-274)

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PROPOSAL 408 - 5 AAC 35.180. Lawful gear for Registration Area D. Amend this regulation as follows:

(d) Beginning January 15, 2006, in Registration Area D, a pot used to take Tanner crab must have either at least one-third of one vertical surface of a square pot, or sloping surface of a conical or pyramid pot, composed of not less than seven-inch stretched mesh webbing, placed on the bottom one-third of the vertical or sloping surface of the pot; or no less than four circular escape rings of four and three-quarters inch minimum inside diameter. Each surface of a pot using escape rings must contain at least one escape ring of four and three-quarters inch minimum inside diameter; the lowest edge of each escape ring must be within eight inches of the top of the web bar on the pot. One ring must be installed in each quadrant of the pot.

PROBLEM: Two 4 ¾-inch escape rings were required for Registration Areas A and D from 1984/1985 – 1988/89 seasons. When escape rings were reinstated for Registration Area A at the March 2002 board meeting, they were not simultaneously reinstated for Registration Area D.

WHAT WILL HAPPEN IF NOTHING IS DONE? When the Yakutat Tanner crab population recovers from its current collapsed state it will again be vulnerable to handling effects due to harvest by pots without escape rings.

WILL THE QUALITY OF THE RESOURCE HARVESTED OR PRODUCTS PRODUCED BE IMPROVED? Yes, crab leg loss and sorting time by the commercial fleet will be reduced through implementation of escape rings.

WHO IS LIKELY TO BENEFIT? The fleet and the resource will benefit from reduced handling of non-legal crabs.

WHO IS LIKELY TO SUFFER? Individuals without rings or with improperly placed escape rings will be required to fix the problem.

OTHER SOLUTIONS CONSIDERED? None.

PROPOSED BY: Alaska Department of Fish and Game (HQ-04-F-275)

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PROPOSAL 409 - 5 AAC 47.035(d). Methods, means, and general provisions—shellfish. Amend this regulation as follows:

Repeal sections (d)(1) and (2), which describe escape mechanisms for shellfish pot gear used in Southeast Alaska sport fisheries.

PROBLEM: This proposal will allow sport fishing regulations on escape mechanisms to remain consistent with escape mechanism regulations for subsistence and personal use shellfish pots. A companion proposal seeks to modify statewide regulations by requiring an escape mechanism for a growing number of pots that are constructed of rigid mesh. However, Southeast Alaska sport fishing regulations also contain escape mechanism requirements. These regional regulations currently mirror statewide regulations, but since regional regulations supersede statewide regulations, the modified statewide regulations would not apply in Southeast Alaska.

***Note:** The department anticipates submitting an agenda change request to expand this proposal to include all shellfish gear.

WHAT WILL HAPPEN IF NOTHING IS DONE? If this proposal is not adopted, Southeast Alaska sport fishing regulations will be in conflict with statewide regulations. Rigid mesh pot requirements would apply statewide to personal use, subsistence and sport fishing regulations, except in Southeast Alaska, where sport fishing regulations regarding rigid mesh pots would remain unclear.

WILL THE QUALITY OF THE RESOURCE HARVESTED OR PRODUCTS PRODUCED BE IMPROVED? No.

WHO IS LIKELY TO BENEFIT? State of Alaska fishery resource managers, enforcement staff, individuals that use rigid mesh pots, and builders of pots.

WHO IS LIKELY TO SUFFER? Individuals that own and use pots that will need to be modified.

OTHER SOLUTIONS CONSIDERED? None.

PROPOSED BY: Alaska Department of Fish and Game (HQ-04-F-328)

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PROPOSAL 410 - 5 AAC 02.120. Subsistence king crab fishery. Add a new paragraph in this regulation as follows:

(6) Effective July 1, 2006 a pot used to take king crab under this chapter must have at least two escape rings on opposing vertical or sloping sides of the pot that each are not less than 6¼ inches inside diameter.

PROBLEM: Subsistence king crab pots in the Southeast Alaska and Yakutat area are not currently required to have escape rings. This results in unnecessary handling of nonlegal portions of the king crab population.

WHAT WILL HAPPEN IF NOTHING IS DONE? Red and blue king crab will continue to be handled unnecessarily.

WILL THE QUALITY OF THE RESOURCE HARVESTED OR PRODUCTS PRODUCED BE IMPROVED? Yes.

WHO IS LIKELY TO BENEFIT? The resource, the subsistence, personal use and commercial fleets.

WHO IS LIKELY TO SUFFER? Individuals whose pots do not currently have escape rings or have escape rings that do not conform to the definition above will have to correct this problem. For these reason a delayed implementation is recommended.

OTHER SOLUTIONS CONSIDERED? None.

PROPOSED BY: Alaska Department of Fish and Game (HQ-04-F-286)

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PROPOSAL 411 - 5 AAC 77.664. Personal use king crab fishery. Amend this regulation as follows:

(b) In the waters described in 5 AAC 33.200 as Section 12-B, **15-B**, and 15-C, in the personal use taking of king crab,

(f) Effective July 1, 2006, a pot used to take king crab under this chapter must have at least two escape rings on opposing vertical or sloping sides of the pot that each are not less than 6¼ inches inside diameter.

PROBLEMS: The waters of Section 15-B are surrounded by those of Section 15-C, yet have inconsistent bag limits for red king crab.

While both pots and ring nets are defined as legal crab personal use gear under 5 AAC 77.010(k)(2) only pots are currently referred to in 5 AAC 77.664; this creates confusion. Personal use king crab pots in southeast Alaska are not currently required to have escape rings. This results in unnecessary handling of nonlegal portions of the king crab population as well as unnecessary elbow grease on the part of personal use fishers.

WHAT WILL HAPPEN IF NOTHING IS DONE? Adjacent waters along the Juneau road system will continue to have substantially different bag limits for red king crab. Confusion regarding legal personal use crab gear will continue. Red and blue king crab will continue to be handled unnecessarily.

WILL THE QUALITY OF THE RESOURCE HARVESTED OR PRODUCTS PRODUCED BE IMPROVED? Yes.

WHO IS LIKELY TO BENEFIT? The resource, the subsistence, personal use and commercial fleets.

WHO IS LIKELY TO SUFFER? Individuals whose pots do not currently have escape rings or have escape rings that do not conform to the definition above will have to correct this problem. For these reason a delayed implementation is recommended.

OTHER SOLUTIONS CONSIDERED? None.

PROPOSED BY: Alaska Department of Fish and Game (HQ-04-F-284)

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PROPOSAL 412 - 5 AAC 77.614. Personal use king crab fishery. Amend this regulation as follows:

(4) Effective July 1, 2006 a pot used to take king crab under this chapter must have at least two escape rings on opposing vertical or sloping sides of the pot that each are not less than 6¼ inches inside diameter.

PROBLEM: Personal use king crab pots in Yakutat are not currently required to have escape rings. This results in unnecessary handling of non-legal portions of the king crab population.

WHAT WILL HAPPEN IF NOTHING IS DONE? Red and blue king crab will continue to be handled unnecessarily.

WILL THE QUALITY OF THE RESOURCE HARVESTED OR PRODUCTS PRODUCED BE IMPROVED? Yes.

WHO IS LIKELY TO BENEFIT? The resource, the subsistence, personal use and commercial fleets.

WHO IS LIKELY TO SUFFER? Individuals whose pots do not currently have escape rings or have escape rings that do not conform to the definition above will have to correct this problem. For these reason a delayed implementation is recommended.

OTHER SOLUTIONS CONSIDERED? None.

PROPOSED BY: Alaska Department of Fish and Game (HQ-04-F-285)

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PROPOSAL 413 - 5 AAC 39.145. Escape mechanism for shellfish and bottomfish pots. Amend this regulation as follows:

(4) Effective July 1, 2006 subsistence, personal use, or sport shellfish pots webbed with rigid mesh must have a panel with tie-down straps that are secured to the pot at one end by a single loop of untreated, 100 percent cotton twine no larger than 30 thread; the panel must be attached so that, when the twine degrades, the panel will drop away creating an opening. The dimensions of the opening created must be at least 12 inches wide by six inches high, for a crab pot and two inches wide by two inches high for a shrimp pot.

PROBLEM: A growing number of personal use king and Tanner crab and shrimp pots are being constructed of rigid mesh web. The current escape mechanism definition does not function to escape crabs or shrimp in these pots.

***Note:** The department anticipates submitting an agenda change request to expand this proposal to include all shellfish gear.

WHAT WILL HAPPEN IF NOTHING IS DONE? Confusion by pot builders and purchasers as to what is legal gear and a variety of solutions being implemented that may or may not be legal once an additional escape mechanism definition is established.

WILL THE QUALITY OF THE RESOURCE HARVESTED OR PRODUCTS PRODUCED BE IMPROVED? No.

WHO IS LIKELY TO BENEFIT? The resource, the subsistence, personal use and sport fleet, the department, the Department of Public Safety, and builders of pots will benefit from a functional definition of escape mechanism.

WHO IS LIKELY TO SUFFER? Individuals whose pots do not currently conform to this definition will have to fix them.

OTHER SOLUTIONS CONSIDERED? None.

PROPOSED BY: Alaska Department of Fish and Game (HQ-04-F-283)

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PROPOSAL 414 - 5 AAC 35.310. Fishing season for Registration Area E; 5 AAC 35.320. Size limits for Registration Area E; and 5 AAC 35.325. Lawful gear for Registration Area E. Amend these regulations to provide the following:

The new regulations would establish pot limits (15) and size/gender (5.5 inch male) limits and vessel size restrictions (58 feet). The department would manage openings by emergency order.

PROBLEM: Because there are no commercial Tanner crab regulations on the books for Prince William Sound (PWS), the department does not have the tools to allow a commercial harvest of healthy Tanner crab stocks.

WHAT WILL HAPPEN IF NOTHING IS DONE? Commercial fishermen and the department will have to wait up to three years until the next board meeting in order to utilize potentially healthy stocks that might otherwise be available for harvest.

WILL THE QUALITY OF THE RESOURCE HARVESTED OR PRODUCTS PRODUCED BE IMPROVED? Not applicable.

WHO IS LIKELY TO BENEFIT? PWS is superexclusive, the fishery would benefit local fisherman and processors.

WHO IS LIKELY TO SUFFER? No one.

OTHER SOLUTIONS CONSIDERED?

PROPOSED BY: Thane Miller (HQ-04-F-182)

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PROPOSAL 415 - 5 AAC 34.210. Fishing seasons for Registration Area E; and 5 AAC 34.225. Lawful gear for Registration Area E. Amend these regulations to provide the following:

The new regulations would establish pot limits (15) and size/gender (seven-inch male) limits and vessel size restrictions (58 feet). The department would manage openings by emergency order.

PROBLEM: Because there are no commercial crab regulations on the books for Prince William Sound (PWS), the department does not have the tools to allow a commercial harvest of healthy king crab stocks.

WHAT WILL HAPPEN IF NOTHING IS DONE? Commercial fishermen and the department will have to wait up to three years until the next board meeting in order to utilize potentially healthy stocks that might otherwise be available for harvest.

WILL THE QUALITY OF THE RESOURCE HARVESTED OR PRODUCTS PRODUCED BE IMPROVED? Not applicable.

WHO IS LIKELY TO BENEFIT? PWS is superexclusive, the fishery would benefit local fisherman and processors.

WHO IS LIKELY TO SUFFER? No one.

OTHER SOLUTIONS CONSIDERED?

PROPOSED BY: Thane Miller (HQ-04-F-183)

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PROPOSAL 416 - 5 AAC 34.325(d). Lawful gear for Registration Area H; and 5 AAC 35.428. Operation of other gear in Registration Area H. Amend these regulations as follows:

Stop all dragging in Cook Inlet and Kachemak Bay. Our fish and game biologists are no exception. Dragging the bottom disturbs everything. Crab caught in a drag are damaged so bad they all die even if they are released.

PROBLEM: Change the way our biologists are surveying crab. They are dragging the bottom of our bay for their surveys. Previous biologists set pots and had a realistic count of the crab in our bay.

WHAT WILL HAPPEN IF NOTHING IS DONE? We will never be able to harvest any crab if they do not get an accurate survey. If we have no crab to harvest why have biologists that have lost our crab?

WILL THE QUALITY OF THE RESOURCE HARVESTED OR PRODUCTS PRODUCED BE IMPROVED? Yes. We will get an accurate crab count and not destroy what crab we have in our bays by dragging for them.

WHO IS LIKELY TO BENEFIT? Everybody.

WHO IS LIKELY TO SUFFER? Drag net builders.

OTHER SOLUTIONS CONSIDERED? Improve funding for pot survey.

PROPOSED BY: Charles R. Hart (SC-04-F-027)

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PROPOSAL 417 - 5 AAC 77.557. Personal use king crab fishery. Amend this regulation to provide the following:

The new regulations would establish pot limits (two) and size/gender (seven inch male) limits. They would also provide for logbooks and permits, season (April 15-December 31), and gear construction requirements.

PROBLEM: Despite evidence indicating healthy king crab stocks, there is no opportunity or the regulations to provide an opportunity to harvest crab for personal use of subsistence.

WHAT WILL HAPPEN IF NOTHING IS DONE? King crab will remain underutilized. Subsistence and personal use fishermen and the department will have to wait up to three years until the next board meeting in order to utilize potentially healthy stocks that might otherwise be available for harvest. The department will not have any stock composition data from outside of its survey areas.

WILL THE QUALITY OF THE RESOURCE HARVESTED OR PRODUCTS PRODUCED BE IMPROVED? Not applicable.

WHO IS LIKELY TO BENEFIT? The department will benefit from additional data. Area residents will benefit by having an opportunity to harvest crab.

WHO IS LIKELY TO SUFFER? No one.

OTHER SOLUTIONS CONSIDERED?

PROPOSED BY: Thane Miller (HQ-04-F-180)

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PROPOSAL 418 - 5 AAC 77.558. Personal use Tanner crab fishery. Amend this regulation as follows:

The new regulations would establish pot limits (two) and size/gender (5.5 inch male) limits. They would also provide for logbooks and permits, seasons (April 15-December 31), and gear construction requirements.

PROBLEM: Despite evidence indicating healthy/increasing Tanner crab stocks, there is no opportunity or the regulations to provide an opportunity to harvest crab for personal use or subsistence.

WHAT WILL HAPPEN IF NOTHING IS DONE? Tanner crab will remain underutilized. Subsistence and personal use fishermen and the department will have to wait up to three years until the next board meeting in order to utilize potentially healthy stocks that might otherwise be available for harvest. The department will not have any stock composition data from outside of its survey areas.

WILL THE QUALITY OF THE RESOURCE HARVESTED OR PRODUCTS PRODUCED BE IMPROVED? Not applicable.

WHO IS LIKELY TO BENEFIT? The department will benefit from additional data. Area residents will benefit by having an opportunity to harvest crab.

WHO IS LIKELY TO SUFFER? No one.

OTHER SOLUTIONS CONSIDERED?

PROPOSED BY: Thane Miller (HQ-04-F-181)

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PROPOSAL 419 - 5 AAC 58.022(b). Waters; seasons; bag, possession, and size limits; and special provisions in the Cook Inlet--Resurrection Bay Saltwater Area, and 5 AAC 77.516(1). Personal use Tanner crab fishery. Amend these sregulation as follows:

Open sport/personal use Tanner fishery in Kachemak Bay during November and December with a limit of five crab per person per day and two pots per boat.

PROBLEM: No Tanner fishery.

WHAT WILL HAPPEN IF NOTHING IS DONE? Lost opportunity.

WILL THE QUALITY OF THE RESOURCE HARVESTED OR PRODUCTS PRODUCED BE IMPROVED? This proposal offers a low impact opportunity for fresh crab.

WHO IS LIKELY TO BENEFIT? Winter crab fishermen, the department will benefit from increased information.

WHO IS LIKELY TO SUFFER? No one.

OTHER SOLUTIONS CONSIDERED? Seasons other times of the year. Invites higher levels of participation than can be safely supported by this fishery.

PROPOSED BY: Homer Advisory Committee (HQ-04-F-037)

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PROPOSAL 420 - 5 AAC 39.690(e). Bering Sea/Aleutian Islands King and Tanner Crab Community Development Quota (CDQ) Fisheries Management Plan. Prohibit a CDQ group from possible over fishing before a catch transfer has occurred as follows:

(e)(6)(D): A CDQ group, and a vessel participating in a CDQ fishery for a CDQ group, may not take CDQ crab on board, or deliver CDQ crab unless the CDQ group's quota is greater than or equal to the amount of CDQ crab brought onboard a CDQ vessel plus any CDQ crab previously landed during the CDQ fishery for that species.

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

WHAT WILL HAPPEN IF NOTHING IS DONE? Program participants may continue to fish and exceed individual group quotas, with the intent of transferring poundage from another CDQ group to cover the harvest that exceeds the group's allocation. If other groups do not have available poundage to transfer, the overall CDQ quota may be exceeded.

WILL THE QUALITY OF THE RESOURCE HARVESTED OR PRODUCTS PRODUCED BE IMPROVED? No.

WHO IS LIKELY TO BENEFIT? Community Development Quota program participants.

WHO IS LIKELY TO SUFFER? No one.

OTHER SOLUTIONS CONSIDERED? None.

PROPOSED BY: Alaska Department of Fish and Game (HQ-04-F-290)

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PROPOSAL 421 - 5 AAC 34. King Crab Fishery; 5 AAC 35; Tanner Crab Fishery; and 5 AAC 39 General Provisions. Develop and modify regulations as follows:

Develop and modify regulations to implement Bering Sea/Aleutian Islands crab rationalization.

PROBLEM: The North Pacific Fishery Management Council is rationalizing specific crab fisheries that are managed by a cooperative state/federal regime under the Bering Sea/Aleutian Islands King and Tanner Crab FMP. Rationalized crab fisheries are scheduled to begin in August 2005. Substantial changes to state regulations will be necessary to provide for rationalization to occur. The board has established a task force to help develop regulatory proposals. Specific regulatory change is expected in the fall of 2004 and during the spring 2005 Board of Fisheries regulatory meetings. Therefore this proposal is submitted as a placeholder. The board is expected to consider proposals that relate to Category 2 and 3 management measures in the crab FMP. Issues that the board will likely need to consider, but is not limited to, include:

Convert GHL to defined TAC without inseason adjustment (FMP Category 2, GHL)
Modify CDQ fishing season (FMP Category 2, Fishing seasons)
Hail in, Hail out requirements (FMP Category 3, Reporting requirements)
Delete AFA Management Plan (FMP Category 2 Harvest limitations for AFA vessels)
Implement VMS (FMP Category 2, Closed waters; other, such as Category 1)
Adopt reporting and weighing requirements (FMP Category 3, Reporting requirements)

Review existing fishing seasons (FMP Category 2, Fishing seasons)
Structure of fishing seasons to permit concurrent species harvest (FMP Category 2, Fishing seasons)
Review pot limits (FMP Category 2, Pot limits)
Modify gear placement and removal requirements (FMP Category 3, Gear placement and removal)
Modify operation of other gear (FMP Category 3, Other)
Review gear, bycatch reduction measures (FMP Category 3, Gear)
Observers – increased coverage and duties, C/P monitoring (FMP Category 3, State observer requirements)
Modify landing requirements (FMP Category 3, Other)
Registration areas (FMP Category 2, Registration areas)
Establish CDQ fisheries for king crab in the Aleutian Islands (FMP Categories 2 and 3)
Modify gear marking requirements (FMP Category 3, Other)

WHAT WILL HAPPEN IF NOTHING IS DONE? BS/AI crab fisheries will not be rationalized.

WILL THE QUALITY OF THE RESOURCE HARVESTED OR PRODUCTS PRODUCED BE IMPROVED? Rationalized crab fisheries are expected to improve the quality of harvested products by slowing the race for fish and allowing better product handling.

WHO IS LIKELY TO BENEFIT? BS/AI crab industry.

WHO IS LIKELY TO SUFFER? Unknown.

OTHER SOLUTIONS CONSIDERED? None.

PROPOSED BY: Alaska Department of Fish and Game (HQ-04-F-288)

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PROPOSAL 422 - 5 AAC 34.925. Lawful gear for Registration Area Q; 5 AAC 34.825. Lawful gear for Registration Area T. Amend these regulations as follows:

The proposed crab rationalization plan is bold and has vision. It will lead the way along with the AFA and halibut and sablefish programs as one of the best fisheries management programs in the world. There are still a few details to take care of and one is the issue of gear limits under the new program.

The pot limit issue when it was first instituted was, to say the least, controversial. The bigger boats that worked the Bering Sea could hold up to 700 pots. The fleet was not only overcapitalized but the amount of gear was unprecedented. The Bering Sea was covered with gear. Buoys were everywhere and you could not drive around during a season without mistakenly running some over; the gear loss was phenomenal due to tangles, poor upkeep, ice and just plain lost pots due to bad weather and winter conditions. We have come a long ways to improve our bycatch issues in the last few years by incorporating bigger size web to reduce bycatch of undersized crab and whatever is nontarget to escape. We have eliminated ghost fishing with lost gear with biodegradable panels that after 30 days in the water will disintegrate and allow everything in the pot to escape.

The pot limits have worked as far as a management tool is concerned. It has made the harvest level guidelines a practical reality instead of something unattainable or unrealizable with the race for fish and open access scenario. The pot tagging system for gear restrictions has worked and management and enforcement is able to retain control.

Restrictive pot limits could also again become important to reopen some of the areas and fisheries that have been closed down. The fleet is overcapitalized and has too much fishing power to fish some of the smaller areas like the Priblof Islands and St. Mathew and is sited in the SAFE report as being one of the reasons for keeping these areas closed; too many boats and too much gear. I think permit consolidation or co-ops should be mandatory for fishing the Priblof red and blue crab, and St. Mathew area as well. The St. Mathew area has twice as many endorsements as the Priblof area. I would propose a mandatory four boat co-op for both of these areas, St. Mathew and the Priblofs. These areas are small and have sensitive ecosystems and should be treated as such. The Bristol Bay area for red crab and the Bering Sea area for *C. opilios* and *C. Bairdi* are much larger areas and will hopefully also see less boats and gear as a result of the benefits of the crab program with co-ops and as a consolidation takes place.

I feel that optimum fishing and conservation benefits can be achieved if a pot has at least 36 to 48 hours to soak. This means that a pot will sit on the bottom undisturbed and be allowed to fish and then shed its bycatch. The Bering Sea is going to be a better place with less gear on the grounds after this program goes into effect. Safety factors also will become paramount as the need to pull as much gear as fast as you can and work in any kind of weather is no longer significant to success.

I still believe that a pot limit on individual boats is still the best tool to use. It will directly connect one boat with a set of designated gear and allow enforcement and management to exercise control of the situation, whether it be an individual IFQ situation or in a cooperative one. To open the door to no gear limits or significant increases in numbers without consideration of total effort and effect will not help our issues with safety and resource management. Even today with gear limits and a few less boats on the grounds there is still too much gear. The average size vessel in the Bering Sea is 110 to 115 feet and can haul 125 to 150 pots. This size vessel falls into the category under 125 feet and comprises 70 to 80 percent of the fleet. I think that gear limits on a tiered area system are an acceptable place to start from. I also believe that pot limits should be designed in a nondiscriminatory manner that have no adverse effect on a vessels size and developed in such a way that affect large and small vessels equally. Also, serious consideration should be given to attain the best biological and conservation goals as outlined in the EIS: 1) total vessel effort relative to the GHL; 2) probable concentrations of pots by area; 3) potential for conflict with other fisheries; 4) potential for handling mortality of target or non-target species; 5) adverse effects on vessel safety including hazards to navigation; 6) enforceability of pot limits; 7) analysis of effects on industry.

Eliminate the vessel size categories and go to a pot limit that would be workable and fair to everybody and meet the goals of the EIS.

C. Opilios:
250 pots regardless of the GHL
300 pots for a vessel harvesting 1 percent of the GHL or more

Bristol Bay Red Crab:
250 pots regardless of the GHL
300 pots for a vessel harvesting 1 percent of the GHL or more

C. bairdi:
250 pots regardless of the GHL
300 pots for a vessel harvesting 1 percent of the GHL or more

St. Mathew Blue Crab:
75 pot limit with mandatory four boat co-op and or permit stacking

Priblof Red and Blue:
50 pot limit with mandatory four boat co-op and or permit stacking

Additional oversite and rules: 1) if more than 150 boats register to fish *C. opilios*, Bristol Bay red crab or *C. bairdi* then the pot limit would go to 200 for vessels under 125 and 250 for vessels over 125 regardless of the GHL; 2) gear left on the grounds shall not go more than 10 days unattended; and 3) gear storage areas.

PROBLEM: Pot limit regulations: Area T and Q king crab and Bering Sea Tanner and snow crab.

WHAT WILL HAPPEN IF NOTHING IS DONE? Current regulations will not stand alone very well under consideration in the new crab rationalization program.

WILL THE QUALITY OF THE RESOURCE HARVESTED OR PRODUCTS PRODUCED BE IMPROVED? No.

WHO IS LIKELY TO BENEFIT? Crab resource in the Bering Sea and the commercial fishing fleet.

WHO IS LIKELY TO SUFFER? No one I could think of.

OTHER SOLUTIONS CONSIDERED? None.

PROPOSED BY: Jeff Steele (HQ-04-F-087)

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PROPOSAL 423 - 5 AAC 34.625. Lawful gear for Registration Area O. Amend this regulation as follows:

Implement pot gear limits in the eastern and western Aleutian Islands golden king crab fishery at a level slightly above the average number of pots used in the eastern (800) and western (1,200) district fisheries in 2003 and 2004 to accommodate the larger operations.

PROBLEM: The economic efficiency of most of the Aleutians golden king crab fleet using the fleet average number of pots is being impacted by a few vessels using more than 1,800 pots to prosecute the fishery. These vessels are staking out large "homesteads," preempting the most productive fishing grounds on the narrow Aleutian Islands shelf in anticipation of the crab rationalization quota share program. The effect of preempting the most productive fishing grounds is that small operations are being discouraged from participating in the fishery without engaging in costly gear conflicts, particularly in the western district, and they will eventually capitulate and sell their quota shares to the larger operations. The problem is ongoing.

The Area O golden king crab fishery is split into two subdistricts with GHLs of 3.0 and 2.7 million pounds. There are 18 to 19 vessels that consistently fish the Eastern Dutch Harbor area and ten vessels that fish the Western Adak area.

Department records for the most recent 2003 and 2004 Eastern and Western districts fisheries indicate that the total number of pots used in the Eastern District was 12,578 pots with an average of 695 pots per vessel. In the Western District, the total number of pots used was 7,140 pots, with an average of 1,190 pots per vessel. However, there are three to four vessels that are using over 1,800 pots per vessel and preempting most of the most productive fishing grounds on the narrow Aleutian Islands shelf. (Also see Annual Management Report for the Commercial and Subsistence Shellfish Fisheries of the Aleutian Islands and Bering Sea, 2002, Regional Information Report No. 4K03-52.)

Department Summaries of the Mandatory Shellfish Observer Program Data Base for the General and CDQ Fisheries (Regional Information Report No. 4K03-2, February 2003) illustrate optimum soak times in terms of CPUE (page 58).

Eastern Aleutian Islands Brown Crab Pot Efficiency:
Total GHL after CDQ and captains share: .87 percent of 30 million lbs. = 2,610,000 lbs.
Average number of pot used per vessel in 2002 and 2003 seasons: 700.
Average CPU for 2002 and 2003 seasons: 12 crab per pot.

Proposed Pot Limit: 800.
Average soak time per pot: four days. Pots hauled per day: 200.
Average weight of crab: 4.3 pounds. Number of harvested crab per day: 2,400 crab.
Number of harvested pounds per day: 10,320 lbs.

Vessels QS Percentage of GHL	10%	20%	30%	40%
Vessels number of pounds	261,000	522,000	783,000	1,044,000

Number of days to catch quota share	26	52	78	104

Number of days in biological season: 330

Western Aleutian Islands Brown Crab Pot Efficiency:
Total GHL after CDQ and captains share: .87 percent of 27 million lbs. = 2,349,000 lbs.
Average number of pots used per vessel in 2002 and 2003 seasons: 1,100.
Average CPU for 2002 and 2003 seasons: eight crab per pot.

Proposed Pot Limit: 1200.
Average soak time per pot: 5 days. Pots hauled per day: 240 pots.
Average weight per crab: 4.0 pounds. Number of harvested crab per day: 1,920 crab.
Number of harvested pounds per day: 7,680 lbs.

Vessels QS Percentage of GHL	10%	20%	30%	40%
Vessels number of pounds	234,900	469,800	704,700	939,600
Number of days to catch quota share	31	61	92	123

Number of days in biological season: 330

WHAT WILL HAPPEN IF NOTHING IS DONE? Escalating fishing costs, measured by reduced catch per unit of effort, is removing the economic incentive for small operations using the average number of pots and they may be forced to sell out and leave the fishery.

WILL THE QUALITY OF THE RESOURCE HARVESTED OR PRODUCTS PRODUCED BE IMPROVED? No.

WHO IS LIKELY TO BENEFIT? The majority of the fleet, as this will assist them to remain competitive in the fishery and not allow the fishery to be dominated by a few large companies.

WHO IS LIKELY TO SUFFER? None we can think of. Larger operations will remain economically efficient, have sufficient soak time for their pots and be able to harvest the QS in a reasonable timeframe. See fishery timetable forecast above.

OTHER SOLUTIONS CONSIDERED? An overall limit on total pot usage, a petition submitted to the board on May 12, 2003 shows support for a limit on the number of pots per vessel.

PROPOSED BY: Bing Henkel, Rick Mezich, Steve Minor (HQ-04-F-088)

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PROPOSAL 424 - 5 AAC 34.625. Lawful gear for Registration Area O; 5 AAC 34.825. Lawful gear for Registration Area T; 5 AAC 34.925. Lawful gear for Registration area Q; and 5 AAC 35.525. Lawful gear for Area J. Amend these regulations as follows:

The new regulation would eliminate pot limits in regards to the crab fisheries that will be included as part of the crab rationalization plan. This includes the following fisheries: Bristol Bay red king crab, Bering Sea *C. opilio*, St. Matthews blue king crab, Pribilof red and blue king crab, Adak red king crab, and Bering Sea *C. bairdi*.

PROBLEM: Restrictive pot limits in the Bering Sea/Aleutian Island crab fisheries results in excessive discarding of immature and female crab leading to high discard mortality. This reduces the future potential of the crab resource. Once the crab rationalization program is in effect, there will no longer be a reason for pot limits.

WHAT WILL HAPPEN IF NOTHING IS DONE? If pot limits reamin, there will continue to be high levels of crab bycatch and discard mortality of crab within the directed crab fisheries, negatively affecting the conservation of the crab resource and leading to reduced economic performance and lost revenue for the crab fisheries. If pot limits are not removed, harvesters will not have the flexibility to fish with enough pots to allow them to soak on the bottom effectively. The longer pots soak on the bottom, the less crab bycatch is discarded as the undersize crab have the opportunity to crawl out before the pot is hauled.

WILL THE QUALITY OF THE RESOURCE HARVESTED OR PRODUCTS PRODUCED BE IMPROVED? No, this proposal will help rebuild the resource, but will not improve the quality.

WHO IS LIKELY TO BENEFIT? Crab harvesters, crab processors, CDQ groups, communities, the State of Alaska and consumers will all benefit from this proposal as the resource rebuilds with reduced discard mortality.

WHO IS LIKELY TO SUFFER? No one.

OTHER SOLUTIONS CONSIDERED? I considered recommending a single pot limit for all vessels at a higher level than the status quo, but with the rationalization program and fleet reduction, there is no need for pot limits at any level.

PROPOSED BY: Edward Poulsen (HQ-04-F-108)

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PROPOSAL 425 - 5 AAC 34.810. Fishing seasons for Registration Area T. Amend this regulation as follows:

Open the Area T king crab fishery on October 15 and extend the biological season until March 1.

PROBLEM: Less than optimum efficiency will be achieved moving forward with the new crab rationalization program, and less than optimum quality products will be placed on the world market, unless seasons are properly timed. Concurrent *C. bairdi* and snow crab harvests can occur under "biological seasons," in January, February and March when the crab are the fullest. However, the current Area T king crab biological season ends on December 31, which precludes concurrent harvests with *C. bairdi* and snow crab in the same general area during the January and February *C. bairdi* and snow crab optimum harvest period.

WHAT WILL HAPPEN IF NOTHING IS DONE? If the seasons are changed to allow elongated biological seasons for harvesting Area T king and Bering Sea Tanner and snow crab, the Area T king crab season could run from September 15 until December 31. *C. bairdi* currently opens November 1 with a biological closure on March 31. The snow crab season could be changed to open on November 1 and have a biological closure on May 15. Many in industry believe that snow crab and *C. bairdi* are in optimum harvest quality in January, February and March. This is the prevailing market time for Bering Sea snow crab. Moving to biological seasons for king, *C. bairdi* and snow crab may encourage harvests of all these species in late fall months, October, November and December, which is not necessarily the optimum harvest period for Tanner crabs. January and February, however, could be an optimum time for Bristol Bay king crab harvests, and could allow concurrent harvesting of all three species when they are in prime market condition.

WILL THE QUALITY OF THE RESOURCE HARVESTED OR PRODUCTS PRODUCED BE IMPROVED? That is the goal of this proposal.

WHO IS LIKELY TO BENEFIT? Fishermen and processors will maximize efficiency of harvests with concurrent seasons and improve product qualities resulting in improved revenues for the industry and the State of Alaska.

WHO IS LIKELY TO SUFFER? No one we could think of. Fishermen and processors who prefer to harvest in the fall months could do so. Those who wish to harvest in the winter months could also do so.

OTHER SOLUTIONS CONSIDERED? None.

PROPOSED BY: Arni Thomson, Alaska Crab Coaltion (HQ-04-F-134)

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PROPOSAL 426 - 5 AAC 34.051. King crab gear marking requirements; and 5 AAC 35.051. Tanner crab gear marking requirements. Amend these regulations to provide the following:

A vessel operating gear in BS/AI king and Tanner crab FMP fisheries that is registered in a crab cooperative with NMFS and the department, in addition to being authorized to operate the vessel's gear, is authorized to operate the gear of other vessels registered in the cooperative and validly registered for a fishery.

PROBLEM: Economic inefficiency and unnecessary discard mortality that can be improved with the statutory authorization of crab cooperatives. In this case, modify the requirement that allows only the vessel permitted to operate and tend its pot fishing gear, and allow for any vessels registered in a BS/AI crab cooperative with NMFS (and the department) to operate the gear permitted to the vessels listed in the cooperative.

WHAT WILL HAPPEN IF NOTHING IS DONE? Reduced efficiency in the harvesting of king and Tanner crab.

WILL THE QUALITY OF THE RESOURCE HARVESTED OR PRODUCTS PRODUCED BE IMPROVED? No.

WHO IS LIKELY TO BENEFIT? Any harvesters working in cooperatives. As vessels rotate their turns to fish in cooperatives, vessels would reduce the time and fuel costs required to place and remove gear from the fishing grounds. Current requirements for removing gear from the grounds within ten days of the season's end could remain in effect to apply to cooperatives following the completion of harvesting its cooperative allocations. This could also assist smaller vessels to remain functional and competitive within cooperatives.

WHO IS LIKELY TO SUFFER? None we could think of.

OTHER SOLUTIONS CONSIDERED? None.

PROPOSED BY: Ken Tippett-Alaska Boat Co. (HQ-04-F-080)

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PROPOSAL 427 - 5 AAC 34.906. Area Q Registration. Amend this regulation as follows:

A Norton Sound red/blue king crab CFEC permit holder may not be a crew member on another Norton Sound red/blue king crab boat in the same season, unless given approval by state management and then not more than two times in a season.

PROBLEM: Norton Sound king crab fishery is 40 pot per boat fishery. Some fishermen get around the concept of 40 pots by using two boats, captain and crew the other. There is no way to enforce whether they are using one boat to fish all 80 pots.

WHAT WILL HAPPEN IF NOTHING IS DONE? Other fishermen will be forced to use the two boat system to stay competitive.

WILL THE QUALITY OF THE RESOURCE HARVESTED OR PRODUCTS PRODUCED BE IMPROVED? No.

WHO IS LIKELY TO BENEFIT? The 90-plus percent of the fleet using one boat.

WHO IS LIKELY TO SUFFER? The few operators who feel they need 80 pots to fish.

OTHER SOLUTIONS CONSIDERED? Only owning one boat in fishery. Hard on family fishing. Dropping 32-foot exemption and going to LLPs only.

PROPOSED BY: Adem Boeckmann (HQ-04-F-136)

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PROPOSAL 428 - 5 AAC 34.905(c). Description of Registration Area Q districts. Amend this regulation as follows:

(c)(1) Norton Sound Section: waters north of the latitude of Cape Romanzof (61°49 N. lat.) and south of the latitude of (66°N. lat). Just north of the straits.

Repeal (3) and Kotzebue Sound section: all remaining waters of the district.

PROBLEM: Crab districts, crab management.

WHAT WILL HAPPEN IF NOTHING IS DONE? The two subdistricts on the Norton Sound side of the straits split crab stocks.

WILL THE QUALITY OF THE RESOURCE HARVESTED OR PRODUCTS PRODUCED BE IMPROVED? Yes. It will add to our supply of king crab growing for larger market share.

WHO IS LIKELY TO BENEFIT? Norton Sound crab fleet/Kotzebue crab fleet.

WHO IS LIKELY TO SUFFER? Q4 has a ten-mile closed water around inhabited islands, fish outside closed waters may have a small impact on users.

OTHER SOLUTIONS CONSIDERED?

PROPOSED BY: Adem Boeckmann (HQ-04-F-137)

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PROPOSAL 429 - 5 AAC 34.941. Landing requirements for Registration Area Q. Amend this regulation as follows:

Only Norton Sound crabbers who hold federal LLPs for that area are allowed to offload their crab in state waters. Within three miles of shore.

PROBLEM: The summer Norton Sound red king crab fishery is facing overharvest and overcapitalization due to the exemption under federal law allowing 32 foot and under vessels fishing rights without a federal LLP.

WHAT WILL HAPPEN IF NOTHING IS DONE? As salmon fisheries collapse 32 foot vessels will exploit the 32 foot and under exemption in federal law to enter the fishery, putting stress on diminishing stock.

WILL THE QUALITY OF THE RESOURCE HARVESTED OR PRODUCTS PRODUCED BE IMPROVED? It would make management easier, fewer boats. It would protect the resource.

WHO IS LIKELY TO BENEFIT? Red king crab stocks, LLP holders with experience in responsible harvest of the resource.

WHO IS LIKELY TO SUFFER? New entrants to the fishery, who have a "push the line" mentality and often violate law habitually.

OTHER SOLUTIONS CONSIDERED? We are in the process of appealing to federal authorities to remove the 32 foot exemption. The state can legally help.

PROPOSED BY: Eric Osborne (HQ-04-F-217)

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PROPOSAL 430 - 5 AAC 34.910(f). Fishing seasons for Registration Area Q. Amend this regulation as follows:

(f) In the St. Lawrence Section,

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

(A) from 12:00 noon **June 15** [AUGUST 1] through **August 1** [SEPTEMBER 3] (summer season);

PROBLEM: The problem with the current opening date is that the crab move offshore by August 1, and with the developing crab fisheries in Kotzebue, all commercial crab boats are small and not able to handle the strong winds and currents that occur during the fall in the deep waters. During August, we get mostly female crabs which we release and this occurs every year. A crab survey done by the Bering Sea Fisherman's Association shows crab in quantity near the shore during July. The August 1 date was originally modeled on the Norton Sound, and anticipated large boats crabbing offshore. Norton Sound has since changed to a July 1 opening date.

WHAT WILL HAPPEN IF NOTHING IS DONE? With the current opening on August 1, the Kotzebue fishery is not likely to stop.

WILL THE QUALITY OF THE RESOURCE HARVESTED OR PRODUCTS PRODUCED BE IMPROVED? Opening the crab season earlier would allow smaller boats to check their pots more often (because weather is much better in late June and July than August).

WHO IS LIKELY TO BENEFIT? The crab fishermen of Kotzebue would benefit economically by opening up more jobs. Also the city government would benefit from the 6 percent sales tax.

WHO IS LIKELY TO SUFFER? No one.

OTHER SOLUTIONS CONSIDERED?

PROPOSED BY: Robert Richards, Sr. (HQ-04-F-307)

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PROPOSAL 431 - 5 AAC 77.114. Personal use king crab fishery; 5 AAC 77.116. Personal use Tanner crab fishery. Delete these regulations as follows:

Repeal these regulations as being obsolete.

PROBLEM: The lack of a permit requirement for the personal use crab fisheries in Norton Sound can allow a loophole for those not wanting to pick up a subsistence permit. A permit is required under 5 AAC 02.620. Subsistence King Crab Fishery. A fisher cited for not having a subsistence permit claimed personal use after the fact. The entire Norton Sound-Port Clarence Area is a subsistence area so personal use is not needed.

WHAT WILL HAPPEN IF NOTHING IS DONE? Difficulty in enforcing the subsistence crab permit requirement if participants claim personal use.

WILL THE QUALITY OF THE RESOURCE HARVESTED OR PRODUCTS PRODUCED BE IMPROVED? No.

WHO IS LIKELY TO BENEFIT? The department will have more accurate harvest assessments. Enforcement would be easier.

WHO IS LIKELY TO SUFFER? Those individuals who do not want to obtain a permit.

OTHER SOLUTIONS CONSIDERED? None.

PROPOSED BY: Alaska Department of Fish and Game (HQ-04-F-269)

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PROPOSAL 432 - 5 AAC 64.022(a)(12). Waters; seasons; bag, possession, and size limits; and special provisions for the Kodiak Area; 5 AAC 64.035(b). Methods; means; and general provisions—shellfish; and 5 AAC 65.024(a)(1). Harvest record required; annual limits. Amend these regulations as follows:

Delete the provisions found in 5 AAC 64.022(a)(12), 5 AAC 64.035(b), and 5 AAC 65.024(a)(1) that require sport harvesters in the Kodiak and the Alaska Peninsula/Aleutian Islands areas to obtain a harvest recording form prior to taking king or Tanner crab.

PROBLEM: The sport fish harvest of all shellfish in the Kodiak and Alaska Peninsula/Aleutian Islands areas is extremely small. The use of a harvest recording form to monitor an insignificant Tanner crab harvest is burdensome to the public and costly for the department to produce, distribute and process. (Presently, the sport fishery for king crab is closed). Monitoring the crab harvest through the Statewide Harvest Survey will enable documentation of the sport harvest of king and Tanner crab in a more cost efficient manner and will avoid the burdensome requirement for anglers to obtain a harvest record form prior to harvesting crab. Proposals will be submitted in cycle to address sport fish harvest-recording form requirements for other shellfish species.

***Note:** The department anticipates submitting an agenda change request to expand this proposal to include all shellfish gear.

WHAT WILL HAPPEN IF NOTHING IS DONE? Anglers would continue to be required to obtain a harvest record form before taking crab.

WILL THE QUALITY OF THE RESOURCE HARVESTED OR PRODUCTS PRODUCED BE IMPROVED? No.

WHO IS LIKELY TO BENEFIT? The few anglers that participate in crab fisheries would benefit from not having to obtain a harvest record prior to fishing and from not having to submit a written account of their harvest at the end of each fishing season.

WHO IS LIKELY TO SUFFER? No one.

OTHER SOLUTIONS CONSIDERED? None.

PROPOSED BY: Alaska Department of Fish and Game (HQ-04-F-327)

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PROPOSAL 433 - 5 AAC 35.053. Operation of other pot gear. Amend this regulation to clarify the following:

In the Kodiak district of Registration Area J clarify that the "registration area" refers only to the management sections, not the whole Kodiak District, when applied to when vessels and persons may subsistence fish for Tanner crab.

PROBLEM: Residents who commercially fish Tanner crab in the Kodiak area cannot subsistence fish from January 1 till the end of March on years when any management section is left open. Vessels and persons no longer commercially fishing Tanner crab and unregistered should be allowed to subsistence fish after the section has been closed for 14 days.

WHAT WILL HAPPEN IF NOTHING IS DONE? In many years, a large number of residents will not be able to subsistence fish for Tanner crab after the first of the year. The same vessels and gear used commercially also provide subsistence users without a boat access to subsistence crab.

WILL THE QUALITY OF THE RESOURCE HARVESTED OR PRODUCTS PRODUCED BE IMPROVED? Tanner crab are in best condition in January, February, and March.

WHO IS LIKELY TO BENEFIT? Subsistence users who also commercial fish for crab.

WHO IS LIKELY TO SUFFER? Slightly less crab available for commercial harvest.

OTHER SOLUTIONS CONSIDERED?

PROPOSED BY: Oliver N. Holm (HQ-04-F-309)

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PROPOSAL 434 - 5 AAC 02.420(i). Subsistence king crab fishery. Increase the annual limit in the Kodiak Area as follows:

The regulation should be changed to allow families to harvest ten king crab per family per year.

PROBLEM: The subsistence limit on king crab in the Kodiak area.

WHAT WILL HAPPEN IF NOTHING IS DONE? All subsistence will continue to be deprived of a subsistence resource which has been a part of their lifestyle for many years.

WILL THE QUALITY OF THE RESOURCE HARVESTED OR PRODUCTS PRODUCED BE IMPROVED?

WHO IS LIKELY TO BENEFIT? All subsistence users.

WHO IS LIKELY TO SUFFER? No one.

OTHER SOLUTIONS CONSIDERED?

PROPOSED BY: Thomas L. Schwantes (HQ-04-F-045)

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PROPOSAL 435 - 5 AAC 02.4XX. Prohibitions for use of subsistence taken shellfish. Create a new regulation regarding the use of shellfish taken in a subsistence fishery in the Kodiak Area as follows:

(a) An owner, operator, or employee of a lodge, charter vessel, or other enterprise that furnishes food, lodging, or guide services may not furnish to a client or guest of that enterprise, shellfish that has been taken under this chapter, unless the:

(1) client or guest is in possession of a valid Kodiak Area subsistence permit;

(2) shellfish has been taken with gear deployed and retrieved by the client or guest;

(3) gear has been marked with the client's or guest's name and address, as specified in 5 AAC 02.010(e); and

(4) shellfish is to be consumed by the client or guest or is consumed in the presence of the client or guest.

(b) The captain and crew members of a charter vessel may not deploy, set, or retrieve their own gear in a subsistence shellfish fishery when that vessel is being chartered.

(c) A person may not disturb, tamper with, or retrieve another person's pot gear without prior permission of the owner of that pot gear.

PROBLEM: In the Kodiak Area, define how lodge owner/operators and/or charter vessel operators may provide assistance to clients during the subsistence harvest of shellfish.

Currently, the department issues the majority of Kodiak Area subsistence shellfish permits in the fall as hunters arrive in the area to pursue game. Many of these individuals obtain a subsistence permit for the purposes of harvesting shellfish with assistance from their guides, lodge operators, or charter vessel captains. Currently, there is no clear language that explains how a client may harvest subsistence shellfish in the Kodiak Area while on a charter or staying at a lodge. This has the potential for abuse where clients are using the owner's/operators subsistence gear. This proposal would clearly define how this type of assistance may be provided. A similar regulation has been adopted for southeast Alaska.

WHAT WILL HAPPEN IF NOTHING IS DONE? Subsistence users staying at lodges or on charter vessels will not have clear direction on how they may legally take shellfish.

WILL THE QUALITY OF THE RESOURCE HARVESTED OR PRODUCTS PRODUCED BE IMPROVED? No.

WHO IS LIKELY TO BENEFIT? Subsistence users will benefit from regulations that specify how subsistence shellfish may be obtained while staying at a lodge or while on a charter vessel.

WHO IS LIKELY TO SUFFER? Some lodge operators and charter captains may have to modify how they operate to ensure regulatory compliance.

OTHER SOLUTIONS CONSIDERED? None.

PROPOSED BY: Alaska Department of Fish and Game (HQ-04-F-287)

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PROPOSAL 436 - 5 AAC 34.410. Fishing seasons for Registration Area K; 5 AAC 34.420. Size limits for Registration Area K; 5 AAC 34.510. Fishing seasons for Registration Area M; 5 AAC 34.520. Size limits for Registration Area M. Amends regulations to reflect current management practices as follows:

5 AAC 34.410. Fishing Seasons for Registration Area K. (a) [MALE RED AND BLUE KING CRAB MAY BE TAKEN FROM 12:00 NOON SEPTMBER 25 UNTIL THE SEASON IS CLOSED BY EMERGENCY ORDER.] **The commissioner may open and close a season for red and blue king crab by emergency order from noon, September 25 until closed by subsequent emergency order;**
(b) **Repealed.** [DURING SEASONS ESTABLISHED BY EMERGENCY ORDER, IN ACCORDANCE WITH 5 AAC 34.460, ONLY MALE RED AND BLUE KING CRAB 71/2 INCHES OR GREATER IN WIDTH OF SHELL MAY BE TAKEN.]

5 AAC 34.420. Size Limits for Registration Area K… (3) **Repealed.** [MALE KING CRAB 7 ½ INCHES OR GREATER IN WIDTH OF SHELL MAY BE TAKEN OR POSSESSED ONLY AS PROVIDED IN 5 AAC 34.410]

5 AAC 34.510. Fishing Seasons for Registration Area M. (a) [MALE RED AND BLUE KING CRAB MAY BE TAKEN ONLY FROM 12:00 NOON SEPTEMBER 25 UNTIL THE SEASON IS CLOSED BY EMERGENCY ORDER.] **The commissioner may, by emergency order, open a season for red and blue king crab from 12:00 noon, September 25 until closed by subsequent emergency order;**
(c) **Repealed.** [DURING SEASONS OPENED BY EMERGENCY ORDER THROUGH 12:00 NOON JANUARY 15, ONLY MALE KING CRAB SEVEN AND ONE-HALF INCHES OR GREATER IN WIDTH OF SHELL MAY BE TAKEN.]

5 AAC 34.520 Size Limits for Registration Area M. (b) **Repealed.** [MALE KING CRAB SEVEN AND ONE-HALF INCHES OR GREATER IN WIDTH OF SHELL MAY BE TAKEN OR POSSESSED AS PROVIDED IN 5 AAC 34.510(C).]

PROBLEM: In the Kodiak and Alaska Peninsula Areas, the red and blue king crab commercial fishery may open each year at noon on September 25. The last commercial fishery in the Kodiak and Alaska Peninsula areas was the 1982/1983 season. King crab stocks are considered depressed with no recovery to commercially exploitable levels expected in the foreseeable future. The department prefers to change the regulatory language to specify that red and blue king crab fisheries will open by emergency order, if stocks so warrant, on September 25.

In addition, 7.5 inch seasons are still listed as an option for the Kodiak and Alaska Peninsula areas, king crab seasons. These "second seasons" with a larger size limit were utilized from the mid-1970s through the early 1980s. Larger male king crabs have since been shown to be

extremely important in the reproductive health of the population; larger crabs often have greater mating success. The department now considers a season designed specifically to target these larger, reproductively important crabs as unwise. Seasons targeting larger crabs are not recommended under the current harvest strategy. If a king crab season were to occur, male crabs 7.0 inches or greater in carapace width could be retained in the Kodiak Area; male crabs 6.5 inches in carapace width could be retained in the Alaska Peninsula Area.

WHAT WILL HAPPEN IF NOTHING IS DONE? The department will continue to write an emergency order each fall closing the red and blue king crab fishery in the Kodiak and Alaska Peninsula areas. Seasons for larger male crabs would remain in regulation even though the department would no longer authorize fisheries that selectively took only larger animals.

WILL THE QUALITY OF THE RESOURCE HARVESTED OR PRODUCTS PRODUCED BE IMPROVED? No.

WHO IS LIKELY TO BENEFIT? The public will benefit from clarity in the regulations regarding the opening of seasons and the minimum size limits.

WHO IS LIKELY TO SUFFER? No one.

OTHER SOLUTIONS CONSIDERED? None.

PROPOSED BY: Alaska Department of Fish and Game (HQ-04-F-291)

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PROPOSAL 437 - 5 AAC 35.510. Fishing seasons for Registration Area J. Amend this regulation to provide the following:

Provide for the local shellfish management department to adjust fishing times during the Tanner crab fishery by emergency order.

PROBLEM: Local managers cannot adjust fishing hours up and down. During the season conditions change. Vessels quit and surrender shellfish registrations in order to participate in other fisheries. The crab fleet shrinks to very few vessels at times. Currently, the department may not extend daily fishing periods to match the effort.

WHAT WILL HAPPEN IF NOTHING IS DONE? On years when there is quota left to harvest and fleet effort has diminished, fishermen will have to abide by periods set for much larger fleets. This practice makes it fiscally inefficient and practically unreasonable for the remaining fleet. The quota will not be caught. The data arrived from CPUE (catch per unit effort) may be skewed. Fishermen will migrate from the crab fishery into other fisheries. Fleet distribution will narrow increasing pressure in fewer fisheries.

WILL THE QUALITY OF THE RESOURCE HARVESTED OR PRODUCTS PRODUCED BE IMPROVED? A longer fishery prosecuted by the remaining vessels will extend crab production by processors. Cannery crews can process crab in between groundfish deliveries thereby filling in slow periods during the winter season. Crab is live onboard the fishing vessels and can be called in for processing as the cannery needs product. The remaining vessels may bring in larger, albeit fewer, deliveries which makes it viable for fishermen and processors alike. Canneries may schedule their production more efficiently. This always improves quality.

WHO IS LIKELY TO BENEFIT? The fleet that chooses to continue to fish crab later will do better because they are allowed to fish longer days and become more efficient. Secondly, vessels that are participating in parallel groundfish fisheries will not feel the added pressure of more vessels.

WHO IS LIKELY TO SUFFER? No one.

OTHER SOLUTIONS CONSIDERED? This is just an optional tool to be used by the local shellfish management department at their discretion. Local managers are in touch with the fleet and processors and therefore are the logical people to make these adjustments. If they choose not to use these tools the fishing periods simply remain the same.

PROPOSED BY: Pete Kendrick (HQ-04-F-204)/(SC-04-F-149)

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PROPOSAL 438 - 5 AAC 35.510(a). Fishing seasons for Registration Area J. Amend this regulation as follows:

(a) In the Kodiak District pots may be operated to take Tanner crab only from 8:00 a.m. to 5:59 p.m. with a soak time of 14 hours from 6:00 p.m. to 7:59 a.m., from 12:00 noon January 15 until 12:00 noon March 31**, with the following exceptions: If after the first three full days of the season the estimated harvest in any section is less than 25 percent of the GHL for that section, and the total GHL for that section is greater than 150,000, then pots may be operated continuously to take Tanner crab in that section until an estimated 75 percent of the GHL for that section is harvested. Harvest estimates will be based on the inseason catch reports provided by fishers**…

PROBLEM: Current regulations allowing only ten hours a day to operate Tanner crab pots in the Kodiak District prevent fishermen from operating in the most economically efficient manner, and prevent fishermen from operating under the most optimal weather conditions. These reduced fishing hours increase operating costs for fishermen, and lower the profitability of the fishery for each fishermen.

WHAT WILL HAPPEN IF NOTHING IS DONE? Fishermen's operating expenses will continue to be higher than necessary to harvest Tanner crab in the Kodiak District. If the harvestable biomass increases as expected, the limited fishing hours each day will unnecessarily constrain the ability of fishermen to harvest the crab in an economically efficient manner even further.

WILL THE QUALITY OF THE RESOURCE HARVESTED OR PRODUCTS PRODUCED BE IMPROVED? Yes. Allowing continuous fishing would reduce dead loss of crab by reducing the trip lengths.

WHO IS LIKELY TO BENEFIT? Most vessels are able to operate crab gear continuously and would therefore benefit.

WHO IS LIKELY TO SUFFER? Vessels that lack adequate forward lighting would find it more difficult to operate continuously.

OTHER SOLUTIONS CONSIDERED? None.

PROPOSED BY: Thomas Branshaw (HQ-04-F-057)

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PROPOSAL 439 - 5 AAC 35.510. Fishing seasons for Registration Area J. Amend this regulation as follows:

Twenty-four hour fishing during the season. Just like all other crab fisheries.

PROBLEM: I would like to be able to fish 24 hours a day instead of 8 a.m. to 6 p.m. each day.

WHAT WILL HAPPEN IF NOTHING IS DONE?

WILL THE QUALITY OF THE RESOURCE HARVESTED OR PRODUCTS PRODUCED BE IMPROVED? It lets you fish at night when the weather is calmer.

WHO IS LIKELY TO BENEFIT? Every boat fishing.

WHO IS LIKELY TO SUFFER? No one.

OTHER SOLUTIONS CONSIDERED?

PROPOSED BY: William E. Alwert (HQ-04-F-031)

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PROPOSAL 440 - 5 AAC 35.510. Fishing seasons for Registration Area J. Amend this regulation to provide the following:

Twenty-four hour fishing during the season. Just like all other crab fisheries.

PROBLEM: I would like to be able to fish 24-hours a day instead of ten hours a day.

WHAT WILL HAPPEN IF NOTHING IS DONE? The ten hours a day does not let you take advantage of weather conditions. Nighttime weather is often calmer.

WILL THE QUALITY OF THE RESOURCE HARVESTED OR PRODUCTS PRODUCED BE IMPROVED? It lets you fish when weather conditions are safer for crew and vessel.

WHO IS LIKELY TO BENEFIT? Every boat fishing.

WHO IS LIKELY TO SUFFER? No one.

OTHER SOLUTIONS CONSIDERED?

PROPOSED BY: Robert "Mike" Steelman (HQ-04-F-042)

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Identical proposals were submitted by each individual listed at the bottom of the proposal. The submissions are reproduced here as one proposal for publishing purposes:

PROPOSAL 441 - 5 AAC 35.525. Lawful gear for Registration Area J. Amend this regulation as follows:

Boats 60 feet and under: 20 pots
Boats 60 feet and over: 40 pots

PROBLEM: If you are to have pot limits it should be fair for the larger boats, too. Say 20 pots for 60 feet and under, and 40 pots for 60 feet and over.

WHAT WILL HAPPEN IF NOTHING IS DONE? A lot of the outer districts will not be fished because of expenses. The pot limits force us to fish the inside area.

WILL THE QUALITY OF THE RESOURCE HARVESTED OR PRODUCTS PRODUCED BE IMPROVED? It makes us a lot more efficient in prospecting the marginal areas. Other Alaska areas have split pot limits; why not here?

WHO IS LIKELY TO BENEFIT? The larger boats that have bigger expenses.

WHO IS LIKELY TO SUFFER? I think no one.

OTHER SOLUTIONS CONSIDERED?

PROPOSED BY: William E. Alwert (HQ-04-F-032)
Robert "Mike" Steelman (HQ-04-F-044)

****

PROPOSAL 442 - 5 AAC 35.525(c)(1). Lawful gear for Registration Area J. Amend this regulation as follows:

(1) In the Kodiak District, when the guideline harvest level of *C. bairdi* Tanner crab is

(A) less than 2,000,000 pounds, an aggregate of no more than 20 pots may be operated from a validly registered crab vessel.;

(B) at least 2,000,000 pounds but less than 4,000,000 pounds, an aggregate of no more than 30 pots may be operated from a validly registered Tanner crab vessel**, except that in those sections of the district where the GHL is greater than 150,000 pounds an aggregate of 36 pots may be operated on vessels greater than 60 feet;**

(C) at least 4,000,000 pounds but less than 5,000,000 pounds, an aggregate of no more than 40 pots may be operated from a validly registered Tanner crab vessel**, except that in those sections of the district where GHL is greater than 150,000 pounds an aggregate of 48 pots may be operated on vessels greater than 60 feet;**

(D) at least 5,000,000 pounds, an aggregate of no more than 60 pots may be operated from a validly registered Tanner crab vessel**, except that in those sections of the district where the GHL is greater than 150,000 pounds an aggregate of 72 pots may be operated on vessels greater than 60 feet.**

PROBLEM: Current regulations that set equal pot limits for all vessels under all guideline harvest levels do no recognize the higher costs incurred by larger vessels, and prevent these larger vessels from achieving some measure of economic efficiency relative to their operating costs.

From my own records operating crab vessels under 60 feet and over 60 feet for years, I know that vessels over 60 feet have higher operating costs. Fuel, insurance and maintenance and repair costs for vessels over 60' are usually twice as high as those for vessels under 60 feet. In a 30-day season in this fishery alone, these costs can amount to over $10,000 more than what the smaller vessels spend. This is a significant percentage of what permit holder and vessel owner can earn in this fishery.

The board has adopted differential pot limits for two vessel class sizes in the Bering Sea *C. bairdi* and *C. opilio* crab fisheries in accordance with federal fisheries management plans that recognize

the operating cost differential between larger and smaller vessels. The rationale upon which these differential pot limits are based apply equally to the Kodiak Tanner crab fishery.

A variety of state and federal regulations (such as VMS and observer requirements, and permitting and licensing fees) impose higher operating costs on vessels over 60 feet under the assumption that they operate at a different economy of scale than smaller vessels. Using the same assumption, it is only appropriate to set differential gear limits and other regulations that allow larger vessels to achieve these economies of scale.

WHAT WILL HAPPEN IF NOTHING IS DONE? When the GHL is at higher levels, vessels greater than 60 feet will be prevented from achieving some measure of economic efficiency relative to their operating costs in this fishery. This will continue to dissuade larger vessels from participating and/or limit their ability to earn a living in the fishery.

WILL THE QUALITY OF THE RESOURCE HARVESTED OR PRODUCTS PRODUCED BE IMPROVED? Yes. Establishing differential pot limits could reduce dead loss of crab on larger vessels by reducing the trip lengths.

WHO IS LIKELY TO BENEFIT? When the district GHL is greater than 2,000,000 pounds, in sections where the GHL is over 150,000 vessels greater than 60 feet will benefit from a pot limit differential that is related more closely to the economies of scale of vessels in the fishery. However, it is more appropriate to describe the solution as establishing parity between the larger and smaller vessels relative to these economies of scale.

In arrangements where vessels under 60 feet take permitholders of over 60 foot vessels onboard, both parties will benefit from a pot limit differential.

WHO IS LIKELY TO SUFFER? When the district GHL is greater than 2,000,000 pounds, vessels under 60 feet that fish in sections where the GHL is over 150,000 pounds will no longer have the comparative advantage over larger vessels that exists with an equal pot limit for all vessels.

OTHER SOLUTIONS CONSIDERED? Allowing permitholders of under 60 foot vessels to fish their permits on over 60 foot vessels is an additional solution to consider that would give permitholders in both the under 60 and over 60 feet permit classes other options for achieving greater economic efficiency. However, as I understand it, this action is not part of the authority of the board but of the CFEC instead.

PROPOSED BY: Thomas Branshaw (HQ-04-F-056)

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PROPOSAL 443 - 5 AAC 35.525. Lawful gear for Registration Area J. Amend this regulation as follows:

The boats prospecting in these waters: Chirikoff, Semidis, Lighthouse Rocks, Sutwick, Portlock can use one boat load of gear.

PROBLEM: I would like to see the larger boats be able to fish "one" boat load of pots when looking for crab in the far corners of the Kodiak district like Chirikoff, the Semidis, Lighthouse Rocks, Sutwick, and Portlock.

WHAT WILL HAPPEN IF NOTHING IS DONE? No far waters will be prospected for crab.

WILL THE QUALITY OF THE RESOURCE HARVESTED OR PRODUCTS PRODUCED BE IMPROVED?

WHO IS LIKELY TO BENEFIT? All the bigger boats.

WHO IS LIKELY TO SUFFER? No one.

OTHER SOLUTIONS CONSIDERED?

PROPOSED BY: William E. Alwert (HQ-04-F-033)

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PROPOSAL 444 - 5 AAC 35.525(c). Lawful gear for Registration Area J. Amend this regulation to provide the following:

The boats prospecting in these waters: Chirikoff, Semidis, Lighthouse Rock, Sutwick, Mainline, Portlock, can use 70 pots.

PROBLEM: I would like to see the larger boats be able to fish 70 pots when looking for crab in the far corners of the Kodiak District like Chirikoff, the Semidis, Lighthouse Rock, Sutwick, and Portlock.

WHAT WILL HAPPEN IF NOTHING IS DONE? No far waters will be effectively fished for crab.

WILL THE QUALITY OF THE RESOURCE HARVESTED OR PRODUCTS PRODUCED BE IMPROVED?

WHO IS LIKELY TO BENEFIT? All boats.

WHO IS LIKELY TO SUFFER? No one.

OTHER SOLUTIONS CONSIDERED?

PROPOSED BY: Robert "Mike" Steelman (HQ-04-F-043)

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PROPOSAL 445 - 5 AAC 35.525. Lawful gear for Registration Area J. Amend this regulation to provide the following:

Amend regulation to provide for "permit stacking" in the Kodiak Tanner crab pot fishery and LLP program in order to increase the number of pots fished by a single vessel.

Permit Stacking in this case would be: The ability for a permit holder to purchase additional LLPs to be fished on his vessel. This would qualify him for the corresponding pot limits. Example: An individual owning his original LLP (presently allowing him to fish 20 pots) and purchasing a second LLP would be allowed to fish an additional 20 pots. A maximum number of pots or permits to be held on one vessel may be determined by the board.

PROBLEM: The number of LLPs (180) to be issued in the Kodiak Tanner crab fishery may be too high as the resource is rebounding.

WHAT WILL HAPPEN IF NOTHING IS DONE? The Kodiak Tanner crab fishery will be more difficult to manage. The number of vessels (180) which may participate under the new LLP program will find it hard to do so in a cost efficient manner.

WILL THE QUALITY OF THE RESOURCE HARVESTED OR PRODUCTS PRODUCED BE IMPROVED? Product quality will likely stay the same. Fleet and processor efficiency will improve.

WHO IS LIKELY TO BENEFIT? a) This will serve as in industry buyback program. Ultimately, the number of vessels participating in the Kodiak Tanner crab fishery will have to be addressed further in order to have a rational fishery. b) Permit stacking will answer the fleet's needs without burdening the State of Alaska with the financial aspects of a buyback program. c) A smaller fleet will be more easily monitored and managed. d) Vessels seriously pursuing Tanner crab will do so more efficiently without increasing pressure on the resource.

WHO IS LIKELY TO SUFFER? No one.

OTHER SOLUTIONS CONSIDERED? Permit stacking is a direction being considered to rationalize other fisheries in Alaska. It is a system where those exiting the fishery are compensated by those staying in the fishery. This is the optimum time for this concept to be implemented before all (180) permits are fully capitalized.

PROPOSED BY: Pete Kendrick (HQ-04-F-205)/(SC-04-F-150)

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PROPOSAL 446 - 5 AAC 35.526. Tanner crab pot marking requirements for Registration Area J. Amend this regulation as follows:

A dual tag system for each pot; the surface buoy tag would be one color, and the pot tag would be a different color (allows for no confusion on whether extra pots are being fished). Example: The M/V Wolstad is traveling down a string of crab pots that have yellow tags and notices a crab pot without a tag. They proceed in pulling the crab pot; the pot has the matching different colored tag and is rigged legally. They then do not waste any more time with the legal crab pot. The fisherman has an opportunity then to call the department to get a replacement surface (buoy) tag, and does not lose any fishing opportunity.

PROBLEM: Currently in the Kodiak Tanner crab fisheries there is a 20 pot limit; each crab pot must have a registered pot tag. A crab pot in the water or on a registered crab vessel without a tag is illegal. If a crab pot tag is lost, due to weather, faulty tags, or tag not being secured correctly, there isnot a way to replace the pot tag legally.

WHAT WILL HAPPEN IF NOTHING IS DONE? You create the situation that an honest fisherman will be given a citation. With Alaska state law, Alaska state troopers do not have to prove fault, even if later it is known the tags had a manufacturing problem. Once there is a citation, other than hoping for a district attorney with common sense not to prosecute the violation, it is a mandatory court appearance in which most likely a misdemeanor violation will be given. The result is an honest fisherman that will never be eligible to serve as a board member, and probably a fisherman who will have negative feelings towards the board and the Alaska state troopers.

WILL THE QUALITY OF THE RESOURCE HARVESTED OR PRODUCTS PRODUCED BE IMPROVED? No it does not, this proposal is about fairness. It is an enforcement/regulatory issue.

WHO IS LIKELY TO BENEFIT? This is not a difficult problem, and I believe this issue is a regulatory oversight. It is also my belief that there are no allocation implications with this proposal. Enforcement, the department, and all participants in the crab fishery will benefit.

WHO IS LIKELY TO SUFFER? There will be an additional cost for the pot tags.

OTHER SOLUTIONS CONSIDERED? I have discussed this issue with the department's shellfish staff, to date this has been the best and easiest solution. I am not opposed to any other ideas, as long as it resolves the problem.

PROPOSED BY: Michael Martin (HQ-04-F-164)

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PROPOSAL 447 - 5 AAC 35.507(c). Kodiak, Chignik, and South Peninsula Districts *C. bairdi* Tanner crab harvest strategy. Amend this regulation as follows:

(c)…In the Semidi Island Section, the fishery will open when the **entire** Southwest Section **or** [AND] the Chignik District is open and will close when both the Southwest Section and the Chignik District are closed.

PROBLEM: If the Chignik District is open, Chignik fishermen will not be able to fish Semidi Island Section unless Southwest District is open.

WHAT WILL HAPPEN IF NOTHING IS DONE? Resource will not be utilized.

WILL THE QUALITY OF THE RESOURCE HARVESTED OR PRODUCTS PRODUCED BE IMPROVED? Not applicable

WHO IS LIKELY TO BENEFIT? Chignik fishers and the local economy.

WHO IS LIKELY TO SUFFER? No one.

OTHER SOLUTIONS CONSIDERED? Status quo. Chignik fishers unable to fish Semidi Island Section when Chignik District is open.

PROPOSED BY: Aloys Kopun, Jr. (HQ-04-F-070)

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PROPOSAL 448 - 5 AAC 35.510. Fishing seasons for Registration Area J. Delay the fishery 24 hours if winds of 35 knots or more from any direction are forecast for the 48-hour period of tank inspection and the fishery opening as follows:

Substitute language will be developed at such time that a finalized forecast format is completed by National Weather Service; this should occur by mid-summer 2004. The intent of that language will be to delay the fishery 24 hours if winds of 35 knots or more from any direction are forecast for the 48-hour period of tank inspection and the fishery opening.

PROBLEM: In 2004, the National Weather Service (NWS) changed the format and content of their marine weather forecasts for the Alaska Region. The opening of the Kodiak Tanner crab fishery is dependent on winds less than gale warning (35 knots) in the 48-hour NWS forecast issued at 4:00 a.m. on January 14. Because of the change in format and content, the existing regulatory language needs to be modified so that it is clear how the weather forecast is applied to

this regulation. However, the NWS is planning on continuing to refine this new format over the course of the first few months of 2004. As such, this is a "placeholder" proposal. At such time that a finalized format is provided from NWS, substitute language will be developed that meets the intent of delaying the fishery 24 hours if winds of 35 knots or more from any direction are forecast for the 48-hour period of tank inspection and the fishery opening.

WHAT WILL HAPPEN IF NOTHING IS DONE? The regulatory language for the "severe weather delay" of the Kodiak Tanner crab opening will not match with the NWS forecast format. The public will have to rely on news releases from the department to know if the fishery will be delayed. The originally developed regulatory language was designed so that anyone could reference the morning NWS forecast and know if tank inspections would occur on January 14 if inspections and the fishery opening would be delayed 24 hours.

WILL THE QUALITY OF THE RESOURCE HARVESTED OR PRODUCTS PRODUCED BE IMPROVED? No.

WHO IS LIKELY TO BENEFIT? The public and department will benefit by clarity in the regulatory language that will allow an easy interpretation of the NWS forecast.

WHO IS LIKELY TO SUFFER? No one.

OTHER SOLUTIONS CONSIDERED? None.

PROPOSED BY: Alaska Department of Fish and Game (HQ-04-F-292)

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PROPOSAL 449 - 5 AAC 35.525(c). Lawful gear for Registration Area J. Amend this regulation as follows:

Change Chignik District to read same as South Peninsula District by adding:

In the Chignik District, an aggregate of no more than 30 pots may be operated from a validly registered Tanner crab vessel except, that when the guideline harvest level is

(A) at least 600,000 pounds and not more than 1,000,000 pounds, an aggregate of no more than 40 pots may be operated from a validly registered Tanner crab vessel:

(B) more than 1,000,000 pounds, an aggregate of no more than 75 pots may be operated from a validly registered crab vessel.

PROBLEM: The guideline harvest could reach a point where Chignik fishers could not catch the quota with only a 30 pot limit.

WHAT WILL HAPPEN IF NOTHING IS DONE? Possibility of untapped resource.

WILL THE QUALITY OF THE RESOURCE HARVESTED OR PRODUCTS PRODUCED BE IMPROVED?

WHO IS LIKELY TO BENEFIT? Chignik fishers and economy.

WHO IS LIKELY TO SUFFER? No one.

OTHER SOLUTIONS CONSIDERED? Status quo. Possibility of loss of resource.

PROPOSED BY: Aloys Kopun, Jr. (HQ-04-F-071)
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PROPOSAL 450 - 5 AAC 35.510(b). Fishing seasons for Registration Area J. Amend this regulation as follows:

(b) In the Chignik District, when the guide line harvest level is 200,000 pounds or more [AND THE SOUTH PENINSULA DISTRICT OPENS AT THE SAME TIME,] pots, may be operated to take Tanner crab only from 8:00 a.m. to 5:59 p.m., with a soak time of 14 hours from 6:00 p.m. to 7:59 a.m. from 12:00 noon January 15 through 12:00 noon March 31.

PROBLEM: Opening of Chignik District depends on South Peninsula opening.

WHAT WILL HAPPEN IF NOTHING IS DONE? Status quo. Even if Chignik reaches threshold, season will not open if South Peninsula does not open.

WILL THE QUALITY OF THE RESOURCE HARVESTED OR PRODUCTS PRODUCED BE IMPROVED? Not applicable.

WHO IS LIKELY TO BENEFIT? Chignik Area fishermen, local economy.

WHO IS LIKELY TO SUFFER? No one.

OTHER SOLUTIONS CONSIDERED? Status quo: unable to fish if threshold is met.

PROPOSED BY: Aloys Kopun, Jr. (HQ-04-F-069)
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PROPOSAL 451 - 5 AAC 35.505. Description of Registration Area J districts; 5 AAC 35.507. Kodiak, Chignik, and South Peninsula Districts *C. Bairdi* Tanner crab harvest strategies. Amend these regulations as follows:

5 AAC 35.505. Description of Registration Area J districts.
(b)(1) Eastern Section: all Pacific Ocean waters west of a line from the southernmost tip of Kupreanof Point to the easternmost tip of Castle Rock, west of a line extending southeast 135° from the easternmost tip of Castle Rock to 162° W long. (2) Western Section: all Pacific Ocean waters west of a line from 162° W long. to a line extending south from Scotch Cap Light.

5 AAC 35.507. Kodiak, Chignik, and South Peninsula districts *C. Bairdi* Tanner crab harvest strategies.
(a)(2) in the Chignik District or a section of the South Peninsula District, is sufficient to provide a guideline harvest level of 200,000 pounds or more as calculated under (d) of this section;

(b) The threshold levels of mature male abundance, in numbers of crab, for the following districts and sections of a district are:

(3) South Peninsula District:

(A) Eastern Section (proportion of existing threshold of molting mature abundance in the Eastern Section);

(B) Western Section (proportion of existing threshold of molting mature abundance in the Western Section).

(g) The long-term average of mature male abundance, in numbers of crab, for each of the following districts and sections of districts are

(3) South Peninsula District:

(A) Eastern Section (proportion of existing threshold of molting mature abundance in the Eastern Section);

(B) Western Section (proportion of existing threshold of molting mature abundance in the Western Section).

PROBLEM: The current minimum guideline harvest level (GHL) and harvest strategy threshold for Tanner crab in the South Peninsula District allows fishing when stock distribution and biological conditions may not warrant harvest. The department did not open the South Peninsula District to Tanner crab fishing in 2003/2004 even though the harvest strategy criteria for so doing had been met. The department proposes adjusting the harvest strategy to help ensure that fisheries only occur when the stock is rebuilding or likely to rebuild in the near future. To assist in achieving that goal, the department proposes to create two sections within the district and establish a minimum threshold for opening each section. Sections would be able to open independently of one another with a minimum GHL of 200,000 pounds.

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

The 2003 survey results produced an estimate of 1,616,022 crabs; 241,022 animals above the minimum threshold of 1,375,000 crab. Survey results were disconcerting regarding the status of the Tanner crab stocks in the area. The number of legal animals had declined 42 percent from the level estimated for the last commercial opening in 2001. Fifty-six percent of the legal animal estimate were old or very old-shelled animals. Seventy-nine percent of the estimated legal animals were found in two areas: Morzhovi and Pavlof Bays. Several areas of historic abundance, such as Leonard Harbor adjacent to Cold Bay, had low levels of legals and no recruit crabs estimated by the survey. The overall indications of stock health, as indicated by the 2003 survey, were that the stock was declining and would likely continue to do so even in the absence of a commercial fishery in the 2003/2004 season.

WHAT WILL HAPPEN IF NOTHING IS DONE? The South Peninsula District Tanner crab harvest strategy would allow fishing in situations where the stocks are declining or poorly suited for an orderly fishery. The harvest strategy may recommend a fishery opening but the best available information and the board's Policy on King and Tanner Crab Resource Management Goal and Benefits would consider an opening ill-advised.

WILL THE QUALITY OF THE RESOURCE HARVESTED OR PRODUCTS PRODUCED BE IMPROVED? No.

WHO IS LIKELY TO BENEFIT? Fishers and processors interested in harvesting Tanner crabs in the South Peninsula District. The proposed revisions afford additional protection to stocks when

they are at low levels, declining, or in the first stages of growth to higher levels. Additionally, smaller areas may be opened with the creation of sections.

WHO IS LIKELY TO SUFFER? The criteria for opening the Tanner crab fishery in the South Peninsula District will be more restrictive and require a greater level of stock abundance to open in a given section. As a result, fishers that would prefer to have fished under the previous, more liberal harvest strategy may have instances of a foregone harvest opportunity.

OTHER SOLUTIONS CONSIDERED? None.

PROPOSED BY: Alaska Department of Fish and Game (HQ-04-F-293)

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PROPOSAL 455 - 5 AAC 28.087. Management Plan for Parallel Groundfish Fisheries. Amend this regulation to provide the following:

Revise walleye pollock closures for Steller sea lion protection in state waters of the Aleutian Islands from 170º to 180º W. long., in state waters of the Western Gulf of Alaska for Steller sea lion protection from 157º to 163º W. long., and in the Cook Inlet Management Area between 149º and 150º W. long., to facilitate harvesting of walleye pollock.

PROBLEM: This proposal is generated by the board at the January 2005 board meeting.

Federal Steller sea lion protection measures have been adopted for state waters under authority of regulation 5 AAC 28.087. The sea lion protection areas apply to vessels fishing for walleye pollock.

The Aleutian Islands walleye pollock fishery has been closed since 1999, however the North Pacific Fishery Management Council recently established a total allowable catch (TAC) of Aleutian Islands pollock in 2005 for the development of Adak. The Aleut Enterprise Corporation seeks to revise walleye pollock closures for Steller sea lion protection in state waters of the Aleutian Islands from 170º to 180º W. long. to facilitate harvesting of the recently-adopted TAC for Aleutian Islands walleye pollock. If adopted, all state waters, within these longitudes, near sea lion haul-outs and critical habitat would be opened to fishing for walleye pollock. State waters surrounding sea lion rookeries within these longitudes would remain closed.

The Aleut Enterprise Corporation also seeks to revise walleye pollock closures in state waters of the Western Gulf of Alaska for Steller sea lion protection from 157º to 163º W. long. If adopted, all state waters, within these longitudes, near sea lion haul-outs and critical habitat would be opened to fishing for walleye pollock. State waters surrounding sea lion rookeries within these longitudes would remain closed.

The department and board have also received a request to issue a permit to allow fishing for walleye pollock in the Cook Inlet Management Area between 149º and 150º W. long. The permit would allow fishing in portions of state waters currently closed to protect Steller sea lions. Under the proposed permit, the 10 nm pollock fishing closures surrounding haul-out protection areas at Chiswell Islands, Seal Rocks (Kenai) and Rugged Island would be reduced to 3 nm. No other haul-outs or rookeries would be affected.

WHAT WILL HAPPEN IF NOTHING IS DONE? Fishing in state waters for walleye pollock will remain closed in Steller sea lion protection areas.

WILL THE QUALITY OF THE RESOURCE HARVESTED OR PRODUCTS PRODUCED BE IMPROVED? Unknown.

WHO IS LIKELY TO BENEFIT? Fishermen harvesting walleye pollock in state waters that are currently closed, processors that currently have little or no opportunity to purchase pollock, and coastal communities that are economically affected by large-scale pollock fishing closures will benefit from access to the pollock resource.

WHO IS LIKELY TO SUFFER? Unknown.

OTHER SOLUTIONS CONSIDERED? None.

PROPOSED BY: ADF&G on behalf of the Alaska Board of Fisheries (HQ-04-F-350)

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PROPOSAL 456 - 5 AAC 06.3XX. Alagnak River Sockeye Salmon Special Harvest Area Management Plan.

Allow a set gillnet fishery in the Alagnak River to harvest the surplus sockeye salmon.

PROBLEM: When the Kvichak River sockeye salmon escapement falls one or more days behind the historic cumulative escapement goal curve, the Naknek/Kvichak District closes and the fishery moves into the Naknek River Special Harvest Area (NRSHA). When moving into the NRSHA the Kvichak and Alagnak River sockeye are able to pass through the district with no gear in the water. These restrictions have been in place since 2001 and the Kvichak has yet to meet its minimum escapement goal. However, for the past two years the Alagnak sockeye escapement has exceeded the 180,000-escapement goal, 3.5 million in 2003 and 5.5 million in 2004. The loss to the industry was considerable over $11.0-million in 2003 and $15.0 million in 2004. For 2005, the Kvichak forecast is 2.35 million and the Alagnak River is 4.93 million sockeye. This is 4.75 million above the escapement needs for the Alagnak River. The Kvichak however falls short and the 2005 season will begin in the NRSHA. Without an inriver fishery in the Alagnak River with set gillnet gear these fish will not be harvested, a significant loss to the industry.

WHAT WILL HAPPEN IF NOTHING IS DONE? The potential escapement of over 4.9 million sockeye up the Alagnak River in 2005.

WILL THE QUALITY OF THE RESOURCE HARVESTED OR PRODUCTS PRODUCED BE IMPROVED?

WHO IS LIKELY TO BENEFIT? The set gillnet users.

WHO IS LIKELY TO SUFFER? Sport fish users on the lower river fishing for chinook salmon could be impacted during the short commercial sockeye fishery.

OTHER SOLUTIONS CONSIDERED? The area is to small for the drift fleet to fish so only other option is to do nothing and let the sockeye migrate upriver.

PROPOSED BY: Al Bauman (HQ-04-F-351)

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PROPOSAL 457 - 5 AAC 33.310. FISHING SEASONS AND PERIODS FOR NET GEAR; 5 AAC 33.331. GILLNET SPECIFICATIONS AND OPERATION; 5 AAC 33.350. CLOSED WATERS; 5 AAC 47.021 SPECIAL PROVISIONS FOR SEASONS, BAG, POSSESSION,

AND SIZE LIMITS, AND METHODS AND MEANS FOR THE SALT WATERS OF SOUTHEAST ALASKA AREA; 5 AAC 47.030. METHODS, MEANS, AND GENERAL PROVISIONS – FINFISH; and 5 AAC 47.055. SOUTHEAST ALASKA KING SALMON MANAGEMENT PLAN.

Establish commercial and sport king salmon fisheries in the terminal harvest areas of the Taku and Stikine Rivers, if a bilateral agreement between the United States and Canada is reached in February 2005.

PROBLEM: Directed fisheries for Taku and Stikine River king salmon fisheries were closed in the late 1970s to conserve depressed stocks. King salmon stocks in both rivers have increased. Department forecasts indicate that very large harvestable surpluses will be available in 2005. The department can not reopen directed fisheries on Taku and Stikine River king salmon until the Board of Fisheries modifies the existing regulatory language.

WHAT WILL HAPPEN IF NOTHING IS DONE? If an agreement is reached by the Pacific Salmon Treaty, these large harvestable surpluses of king salmon will be foregone unless existing regulations for the commercial and sport fisheries are addressed by the board prior to spring 2005.

WILL THE QUALITY OF THE RESOURCE HARVESTED OR PRODUCTS PRODUCED BE IMPROVED? Yes. Regulatory changes that would allow directed king salmon fishing would enable Southeast Alaska fishermen to access healthy returns of Taku and Stikine River king salmon. This would be an opportunity for commercial fishermen to establish markets for king salmon that do not currently exist.

WHO IS LIKELY TO BENEFIT? If these regulatory changes are adopted, both sport and commercial users will benefit from increased access to this resource.

WHO IS LIKELY TO SUFFER? No one.

OTHER SOLUTIONS CONSIDERED? To address these issues during normal Board of Fisheries schedule in 2006. Given the large preseason forecast for Taku and Stikine River king salmon in 2005 the department decided to address this issue via Emergency Petition to seek Board of Fisheries consideration for regulatory changes to allow fisheries in 2005.

PROPOSED BY: Alaska Department of Fish and Game (HQ-04-F-352)
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