

Summary of Actions
Alaska Board of Fisheries

**STATEWIDE DUNGENESS CRAB, SHRIMP, MISC. SHELLFISH
AND SUPPLEMENTAL ISSUES**

March 17-23, 2006

Anchorage, Alaska

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This summary of actions is for information purposes only and is not intended to detail, reflect or fully interpret the reasons for the Board's actions.

PROPOSAL NO. 73

ACTION: Failed

DESCRIPTION: Establish an experimental fishery for spiny dogfish in the Gulf of Alaska.

DISCUSSION: This proposal was tabled from the December, 2005 Board of Fisheries (board) Prince William Sound (PWS) meeting to allow review by the North Pacific Fisheries Management Council (NPFMC). The Alaska Department of Fish and Game (Department) has the authority to establish experimental fisheries. Longline gear is the practical gear type for targeting spiny dogfish and bycatch in the varied habitats of the PWS area would likely include halibut, sablefish, rockfish and lingcod. The board concluded the value of bycatch discard mortality in waters of Area E would likely exceed the economic value of a directed spiny dogfish fishery. The board allowed directed fishing for spiny dogfish under a commissioner's permit in the Cook Inlet area in 2004 and has, to date, received no permit requests.

PROPOSAL NO. 75

ACTION: Carried

DESCRIPTION: Change the GHL taken from one section for pollock pelagic trawl fishery to no more than 60 percent.

DISCUSSION: The board previously took action to address concerns of localized prey depletion of prey species near haulouts used by Steller's sea lions. The board tabled this from December 2005 to allow review by NPFMC. Harvest patterns have indicated shifts in pollock distribution among years. This will provide access to harvest known aggregations and reduce bycatch.

PROPOSAL NO. 247

ACTION: Failed

DESCRIPTION: Modify escape mechanisms for shellfish and bottomfish pots.

DISCUSSION: Escape mechanisms are required by law to degrade within 6 months, and must be tested. Current data suggest that the recommended 90 weight thread would take longer than 6 months. The department does not have funding to support additional studies on twine.

PROPOSAL NO. 248

ACTION: No action

DESCRIPTION: Modify escape mechanisms for shellfish and bottomfish pots.

DISCUSSION: The board took no action on the proposal due to action taken on Proposal 247.

PROPOSAL NO. 249

ACTION: Carried as amended

DESCRIPTION: Modify escape mechanisms for shellfish and bottomfish pots.

AMENDMENTS: Effective January 1, 2007 all subsistence, personal use, and sport shellfish pots constructed of rigid mesh, except Dungeness crab pots which have a pot lid tie-down that complies with (1) of this section, must have at least one opening in a sidewall, which may include the tunnel, of the pot. The opening in a king crab or Tanner crab pot must be equal to or exceed a 12 inch by 8 inch rectangle; the lower long edge of the opening must be parallel to and within 6 inches of the bottom of the pot. The opening in a Dungeness crab pot must be equal to or exceed a 10 inch by 6 inch rectangle; the lower long edge of the opening must be parallel to and within 6 inches of the bottom of the pot. The opening in a shrimp pot must be equal to or exceed a 4 inch square; the lower edge of the opening must be parallel to and within 6 inches of the bottom of the pot. The opening may be covered with a single panel secured to the pot with no more than four single loops of untreated, 100 percent cotton twine no larger than 30 thread. Each single loop of cotton twine may contain only one knot and may not be laced along the opening. The panel must be attached to the pot in a manner that when the cotton twine degrades the panel will drop away from the opening, exposing the opening fully.

DISCUSSION: Rigid mesh shellfish pots have become popular in recent years, but standards for escape mechanisms are needed. This will clarify the escape mechanism regulations for rigid mesh pots. The effective date was amended to allow ample time for compliance.

PROPOSAL NO. 301

ACTION: No action

DESCRIPTION: Remove sunset clause from the Dungeness crab fisheries management plan.

DISCUSSION: The board took no action on the proposal due to action taken on Proposal 304.

PROPOSAL NO. 302

ACTION: No action

DESCRIPTION: Add a reference to the commercial fisheries shellfish management plans within the sport, subsistence, and personal use regulations.

DISCUSSION: The board took no action on the proposal due to action taken on Proposal 304.

PROPOSAL NO. 303

ACTION: Carried

DESCRIPTION: Remove description of closed waters for scallops in Eastern Section of Outside District.

DISCUSSION: This clarifies the regulation and was considered housekeeping.

PROPOSAL NO. 304

ACTION: Failed

DESCRIPTION: Remove sunset clause from pot shrimp fishery management plan.

DISCUSSION: The board preferred to ensure a sustainable biomass population prior to implementing this fishery, and anticipated continuing work toward that goal. The board reviewed nine factors for consideration of management plans. The Department of Law advised that these considerations are more appropriately addressed by policy, rather than regulatory action. The board allowed the sunset clause to expire, and requested the department prepare a policy for this fishery.

PROPOSAL NO. 305

ACTION: Failed

DESCRIPTION: Open Area G to shrimp trawl fishing and limit vessel size to 60 feet.

DISCUSSION: The board heard that there is a high discard rate of small sidestripe and pink shrimp and that there are no shrimp peeling machines currently used in Southcentral Alaska to process this catch component. Difficulty in enforcing depth requirements was noted.

PROPOSAL NO. 306

ACTION: No action

DESCRIPTION: Open Area E to spot shrimp commercial fishing.

DISCUSSION: The board took no action on the proposal due to action taken on Proposal 304.

PROPOSAL NO. 307

ACTION: Failed

DESCRIPTION: Close all state waters south of 60° 22.00 North latitude and west of 148° 03.00 West longitude to commercial shrimp fishing.

DISCUSSION: There is a very limited trawl fishery in the area and effort is very low. There are only a few marine mammals in the area. The board could not determine any direct impact on other species.

PROPOSAL NO. 308

ACTION: No action

DESCRIPTION: Allow only one spot shrimp permit to be fished per vessel.

DISCUSSION: The board took no action on the proposal due to action taken on Proposal 304.

PROPOSAL NO. 309

ACTION: No action

DESCRIPTION: Limit the number of permit holders in the PWS commercial spot shrimp fishery.

DISCUSSION: The board took no action on the proposal due to action taken on Proposal 304.

PROPOSAL NO. 310

ACTION: No action

DESCRIPTION: Establish super-exclusive registration area for spot shrimp.

DISCUSSION: The board took no action on the proposal due to action taken on Proposal 304.

PROPOSAL NO. 311

ACTION: No action

DESCRIPTION: Establish quota system for spot shrimp.

DISCUSSION: The board discussed allocation and past catch history. The board took no action because this falls outside the board's authority.

PROPOSAL NO. 312

ACTION: Failed

DESCRIPTION: Establish an experimental fishery for spot shrimp.

DISCUSSION: Experimental fisheries are allowed by regulation for resource or use of gear types that have not been developed. The board explored the merits of opening an experimental pot fishery for shrimp in PWS. It found little evidence to support the concern that shrimp production will result in habitat damage. The board noted it would

not have the ability to limit the number of participants. The board made clear its intent to allow fisheries using precautionary management principles.

PROPOSAL NO. 313

ACTION: Carried as amended

DESCRIPTION: Require four-inch separation in fish excluder bars on black cod trawlers; allow shrimp trawlers using described excluder bars during black cod fishing periods to retain both shrimp and black cod.

AMENDMENTS: The operator of a PWS shrimp trawl vessel who also holds a CFEC PWS sablefish permit and has registered for the current year's fishery, must utilize a FED that consists of a rigid grate with parallel bars not more than four inches apart during the PWS sablefish season and utilize a FED that consists of a rigid grate with parallel bars not more than two and one half inches apart during the PWS sablefish season after their sablefish quota has been achieved. Lawful gear for groundfish Registration Area E is subject to requirements of 5 AAC 31.225.

DISCUSSION: The board allowed shrimp trawlers to operate during black cod openings to fish with a mandatory four-inch separation in fish excluder opening bars on black cod trawlers while retaining both species. Use of fish excluder when targeting sablefish would reduce bycatch. The shrimp catch would increase with the 4-inch excluder bar.

PROPOSAL NO. 314

ACTION: Carried

DESCRIPTION: Repeal the requirement for sport, subsistence, and personal use shrimp permits.

DISCUSSION: The board compared data collected from harvest records and the Statewide Harvest Survey. This would change how the information is collected and does not weaken the ability of law enforcement to enforce shrimp pot regulations.

PROPOSAL NO. 315

ACTION: Carried as amended

DESCRIPTION: Prohibit disturbing, tampering, or retrieving pot gear without permission of the owner of the gear.

AMENDMENTS: A person may not disturb, tamper with, or retrieve another person's shrimp, Dungeness crab, or miscellaneous shellfish pot gear without prior permission of the owner of that pot gear.

DISCUSSION: This proposal was based upon a Southeast regulation that has helped alleviate shrimp pot and shrimp harvest theft. Shrimp pot disturbance and theft has been reported by shrimp harvesters in PWS since 2001, and reported incidents have been increasing. Enforcement added that permission usually is given verbally via cell and satellite phones and confirmation is much easier than in the past.

PROPOSAL NO. 316

ACTION: Failed

DESCRIPTION: Increase the limit of pots per vessel allowed to take shellfish.

DISCUSSION: The board found a potential to double the current shrimp fishing effort and harvest. Even without increasing the number of allowable pots per vessel, data collected through fishing permits and the Statewide Harvest Survey indicate a steady growth in the noncommercial shrimp fishery since 2001. The current pot limit satisfies the intent of the regulation established in 1999 by allowing for a modest noncommercial shrimp harvest while shrimp stock abundance improves.

PROPOSAL NO. 317

ACTION: No action

DESCRIPTION: Remove sunset clause from Cook Inlet Area Shrimp Fisheries Management Plan.

DISCUSSION: The board took no action on the proposal due to action taken on Proposal 304.

PROPOSAL NO. 318

ACTION: No action

DESCRIPTION: Remove sunset clause from Outer Cook Inlet Area Shrimp Management Plan.

DISCUSSION: The board took no action on the proposal due to action taken on Proposal 304.

PROPOSAL NO. 319

ACTION: No action

DESCRIPTION: Remove sunset clause from Cook Inlet Area Dungeness Crab Fisheries Management Plan.

DISCUSSION: The board took no action on the proposal due to action taken on Proposal 304.

PROPOSAL NO. 320

ACTION: Carried as amended

DESCRIPTION: Remove sunset clause from Cook Inlet Area Miscellaneous Shellfish Fisheries Management Plan.

AMENDMENTS: The commercial fisheries for miscellaneous shellfish species, except mussels in the Southern District, clams, scallops, and octopus, are closed until the board has approved a management plan.

DISCUSSION: Fisheries for miscellaneous shellfish in the Cook Inlet area are commensurate with known resources. Without a guiding policy for developing fisheries or the fiscal resources to perform surveys for all miscellaneous species, the current management plan regulation guides future fishery development and buffers against having to develop management strategies after fisheries are established. Current numbers for cucumbers and urchins are low, Octopus are also harvested. The Board opened octopus as bycatch only with 35,000 lb GHLL and this is taken in the Pacific cod fishery. There is obvious otter predation, however the extent is unknown. This is a portion of the management plan that the department needs to retain in order to manage depressed resources by Emergency Order (EO).

PROPOSAL NO. 321

ACTION: Carried

DESCRIPTION: Replace temperature-dependent approach for opening fishing periods for the Southern District hardshell clam and mussel fishery with defined clam harvest season.

DISCUSSION: The loss of hardshell clam harvest opportunity during winter months may be perceived to negatively affect development of clam markets. Low interest in winter harvest, undocumented exposure related mortality, and the low likelihood of acceptable harvest conditions makes elimination of the winter season the best course for management.

PROPOSAL NO. 322

ACTION: Carried as amended

DESCRIPTION: Add a reference to the commercial fisheries shellfish management plans within the sport, subsistence, and personal use regulations.

AMENDMENT: In the personal use shrimp may only be taken from April 15 through September 15 in the waters of Cook Inlet east of the longitude of Gore Point to the longitude of Aialik Cape, excluding the waters of Resurrection Bay north of a line between Aialik Cape to Cape Resurrection. A permit is required. No more than five pots per person, with no more than five pots per vessel may be used. All shrimp pots must have at least two adjacent vertical sides, or near-vertical sides, excluding tunnels, completely composed of uncovered net webbing or rigid mesh. Pots that do not have a definable side, including round pots, must have net webbing or rigid mesh panels covering a minimum of 50 percent of the vertical, or near-vertical, surface area of the pot. The net webbing or rigid mesh on all pots must be large enough to allow the unaided passage of a maximum 12-inch long, seven-eighths inch diameter, round wooden peg without deforming the opening, except for the selvage.

DISCUSSION: The intent of the board was to make this an accessible area for use by Alaskans for overnight trips.

PROPOSAL NO. 323

ACTION: Carried

DESCRIPTION: Repeal requirement for sport, subsistence, and personal use hardshell clam permits.

DISCUSSION: The board considered this a housekeeping proposal. Permit data was considered unreliable due to noncompliance of reporting. The department is using other survey methods to determine harvest effort by location. There is a significant cost to the department to administer this permit.

PROPOSAL NO. 324

ACTION: Carried as amended

DESCRIPTION: Modify legal size for Dungeness crab to be expressed in inches.

AMENDMENTS: Male Dungeness crab 6.50 inches or greater in shoulder width may be taken or possessed, unless otherwise provided in 5 AAC 32.

DISCUSSION: This helps clarify the size limit regulations.

PROPOSAL NO. 325

ACTION: Carried as amended

DESCRIPTION: Amend shrimp trawl gear to include cod-end and excluded device.

AMENDMENTS: A shrimp trawl must be equipped with a rigid finfish excluder device (FED); the FED must consist of a rigid grate with parallel bars spaced not more than two inches apart to exclude all fish and other objects, except those that are small enough to pass between its bars into the cod end of the trawl; the FED in a shrimp trawl must be secured forward of the cod end in such a manner that it precludes the passage of fish or other objects into the cod end without the fish or objects having to first pass between the bars of the FED; the trawl must have an outlet to allow the escape of fish or other objects that are too large to pass between the bars of the grate; the posterior edge of this escape outlet must be at least as wide as the maximum width of the grate; the escape outlet must extend forward of the grate toward the mouth of the net.

DISCUSSION: The excluder will allow for a reduction of bycatch. The minimum mesh size may preclude fisheries for smaller shrimp.

PROPOSAL NO. 326

ACTION: Failed

DESCRIPTION: Require only 30 percent coverage for onboard observer program for vessels less than 80 feet in length.

DISCUSSION: This may reduce costs for smaller vessels; however, smaller vessels can harvest as much bycatch as the larger vessels. When the original federal License limitation Program (LLP) was developed, the NPFMC considered using vessel horsepower or vessel length to constrain fishing capacity, but opted to use vessel length. Two small vessels with no fishing history outside Cook Inlet were allowed to fish statewide with a single 6-foot dredge. Later, Amendment 10 to the LLP allowed those vessels to use two 10-foot dredges to help offset observer costs. The department indicated it would try to reduce costs associated with briefing and debriefing observers basing out of Homer.

PROPOSAL NO. 327

ACTION: Carried

DESCRIPTION: Repeal personal use Dungeness crab fishery for Norton Sound-Port Clarence Area.

DISCUSSION: There are no Dungeness crab in Norton Sound. This regulation fixes a loop-hole in the current regulations.

PROPOSAL NO. 328

ACTION: Carried

DESCRIPTION: Reduce weathervane scallop GHR in scallop registration Area Q, Bering Sea.

DISCUSSION: The optimum yield for the state is 1.24 million pounds based on historical harvest. Current GHs add up to 1.34 million pounds. The reduction is essentially housekeeping, with no affect on the fishery because harvest over the last 10 years have been well below 300,000 pounds in the Bering Sea.

PROPOSAL NO. 390

ACTION: Carried

DESCRIPTION: Describe the closed waters at Packers Creek using GPS points.

DISCUSSION: The department noted that stream closures are conservation measures meant to provide buffers for fish to get to their natal streams. The department reported that escapement goals have been met or exceeded in recent years for Packers Creek. The board noted the need to base its action on resource conservation and development purposes as required in statute. The board determined that the proposed boundary location as specified by GPS coordinates best meets those resource conservation and development goals. The board heard accounts of differing interpretations the previously used description of the closed area boundary. The board identified problems with linear shoreline based measurements given the irregular shoreline morphology and given changes in shoreline and stream terminus location as a function of tide level. The board concluded that describing the closed waters boundary at Packers Creek as a series of GPS coordinates would provide the highest degree of clarity for managers, enforcement, fishermen, and the general public.

PROPOSAL NO. 391

ACTION: Carried

DESCRIPTION: Change drift gear from 50 fathoms to 75 fathoms.

DISCUSSION: This proposal will allow setnetters to fish sooner, as extra driftnet gear may result in less fishing time to obtain the driftnet quota. The concern of dropouts should remain equal over time, but would not count against the drift allocation. This action brings the fleet closer to the intention of the allocation in the management plan.

PROPOSAL NO. 392

ACTION: Carried as amended

DESCRIPTION: Remove setnet gear from the water when not fishing.

AMENDMENTS: In the Naknek River Special Harvest Area, all set net running lines must be removed from the water at the end of each fishing period.

DISCUSSION: Removing set gillnet screw anchors in the Naknek River would be nearly impossible. The board favored having running lines removed, and defining running lines as rope or cable attached to two anchors. Removal of running lines is enforceable, due to the fact that the term running lines is commonly understood in the area. Buoys can identify where anchor gear is located, helping drift fishermen avoid snagging their gear.

PROPOSAL NO. 393

ACTION: No action

DESCRIPTION: Move marker 1000 feet upstream for draft and leave original line for setnet.

DISCUSSION: The author of this proposal asked that it be withdrawn.

PROPOSAL NO. 394

ACTION: Carried as amended

DESCRIPTION: Allow both drift and setnet in Alagnak River.

AMENDMENTS: For the Alagnak River Sockeye Salmon Special Harvest Area (ARSHA), allow the harvest of surplus sockeye salmon stocks when sockeye salmon returns to the Kvichak River prevent the harvest of sockeye salmon within the Kvichak District. Salmon may be taken in the ARSHA with set gillnet and drift gillnet gear. To the extent practicable, drift gillnet and set gillnet fisheries will open separately with alternating openings between the two gear groups. If after a total of four openings the total harvest from either gear group is less than 50 percent of the other gear group then the department does not have to provide alternate openings. Salmon harvested in the ARSHA will not count against the allocation of sockeye salmon to the gillnet fishery. A set gillnet may not exceed 25 fathoms in length or be operated within 150 feet of another set gillnet. A person may not operate a drift gillnet when the vessel to which it is attached is grounded, or when any part of the gillnet is grounded above the waterline in the ARSHA.

DISCUSSION: The board intent was to revert to the first gear group for the remainder of the season. This will allow opportunity to harvest excess sockeye salmon. The board discussed impacts on the Naknek/Kvichak allocation goals and how this change would provide for economic opportunity.

PROPOSAL NO. 395

ACTION: Carried

DESCRIPTION: Modify the total allowable catch (TAC) for Eastern Subdistrict bairdi.

DISCUSSION: The department noted the four million pound TAC was originally established as a management measure during derby style fishery and that guideline harvest levels less than four million pounds would be difficult to manage. With the new IFQ style fishery there is no danger of exceeding the quota. Four million pounds could be removed without upsetting the rebuilding plan. This allows fishing at lower biomass levels, while still adhering to the stock rebuilding plan.

PROPOSAL NO. 396

ACTION: Carried as amended

DESCRIPTION: Change overage provision for the CDQ crab fisheries.

AMENDMENTS: In the Bering Sea/Aleutian Islands King And Tanner Crab Community Development Quota (CDQ) Fisheries Management Plan, a person operating a vessel in a CDQ fishery may not exceed the CDQ group allocation specified under (e)(6) of this section. All CDQ crab taken in excess of the CDQ group allocation shall be weighed, sold and reported on a fish ticket. All proceeds from the sale of CDQ crab in excess of the group allocation shall be surrendered to the state.

DISCUSSION: This allows the CDQ fishery to mimic the IFQ fishery. NPFMC allows overage in any IFQ fisheries in their last trip. The overage would be seized, with no penalty to the vessel. Processors would be protected if they called to report overages. The CDQ overage provision will be in regulation whereas the IFQ provision is policy.

PROPOSAL NO. 397

ACTION: Carried

DESCRIPTION: Adopt definition for "handicraft" to allow fish part in handicrafts.

DISCUSSION: This proposal seeks to adopt a definition of handicrafts in regulation, which currently prohibits the sale of subsistence-taken fish and fish parts. This proposal corrects an oversight in regulation and aligns the state and federal regulations. The Federal Subsistence Board passed a regulation in January 2006 to allow sale of handicrafts. The allowable sale included skin, shell, fin and bones from finfish and shellfish.

PROPOSAL NO. 398

ACTION: Carried as amended

DESCRIPTION: Eliminate proxy fishing for halibut.

AMENDMENTS: Exclude proxy fishing for halibut in subsistence, sport fishing and personal use fisheries.

DISCUSSION: Halibut are a federally managed species under the authority of the International Pacific Halibut Commission (IPHC) and there are no provisions for proxy fishing in IPHC regulations. The board expressed concern for protecting the cultural heritage of Alaska residents.

PROPOSAL NO. 400

ACTION: Carried as amended

DESCRIPTION: Reduce halibut harvest by charter operators and crewmembers.

AMENDMENTS: Under sport fishing emergency order authority, allow the commissioner to prohibit sport fishing guides and sport fishing guide crew members working on a charter vessel in marine waters from retaining fish or certain species of fish while clients are on board the vessel. Allow the commissioner to limit the maximum number of fishing lines that may be fished from a vessel engaged in sport fishing charter activities in marine waters to the number of paying clients on board the vessel.

DISCUSSION: The department indicated an intent to utilize this statewide provision only in areas where needed to improve the ability to respond to allocation overages and minimize revenue loss to industry. Logbook data will be used to base fishery management decisions rather than the Statewide Harvest Survey data. The department plans to make the determination pre-season. The board concluded that the department should have this tool until a more appropriate action can be taken by the NPFMC.

Proposal A

ACTION: Carried

DESCRIPTION: Repeal the Chignik Area Cooperative Fishery Management Plan and revises the restrictions on commercial fishermen in the Chignik area.

DISCUSSION: This removes a regulation that is no longer legal due to a recent Alaska Supreme Court ruling. The board expressed its intent to re-address this issue when legislation allows board authority on cooperative fisheries. This proposal restricts the commercial salmon fishing license holder from subsistence fishing during the 12 hours before or the 12 hours following a commercial salmon fishing period. They may subsistence fish during a commercial opening.

Proposal B

ACTION: Carried

DESCRIPTION: Repeal the management plan for gillnet and cooperative purse seine fishery in the Nunivak Island District.

DISCUSSION: This removes a regulation that is no longer legal due to a recent Alaska Supreme Court ruling.

MISCELLANEOUS BUSINESS

Halibut Cove subsistence halibut request The board noted that it recently addressed this topic and asked that the person submitting the request be notified.

Kodiak troll proposal (Proposal 114) The board noted the restructuring aspect of Proposal 114, a proposal deferred from January 2005 to allow review by the salmon industry restructuring panel. The board asked the vice chair to work with the interested parties to bring a recommendation back to the board at a later time.

Shellfish management plans The board chose to not adopt a formal nine-point criteria for evaluating shellfish management plans because it concluded all the criteria are already routinely taken into account when addressing plans. Board also expressed a need for more public participation should a policy be adopted.

Fish and wildlife enforcement finding (2006-247-FB) The Board of Fisheries adopted the same resolution recently adopted by the Board of Game requesting a reinstatement of the Division of Wildlife Enforcement within the Department of Public Safety. The resolution also supported increased legislative funding for enforcement purposes. The board expressed the critical role that the state's enforcement officers play in protecting Alaska's resources and their role in the state's overall management program.

Bering Sea king crab proposal The board scheduled a teleconference for early May to address Proposal 428, a proposal deferred from March 2005 in order to allow for consultation with the NPFMC.

Joint Board planning committee The Board of Fisheries selected members Jensen and Campbell to work with two members from the Board of Game and department staff to identify the scope of agenda topics for a Joint Board regulatory meeting to be held next year.