

STATEWIDE DUNGENESS CRAB, SHRIMP, MISCELLANEOUS SHELLFISH

PROPOSAL 301 - 5 AAC 32.290. Prince William Sound Area Dungeness Crab Fisheries Management Plan. Amend this regulation as follows:

Repeal subsection (c), which specifies the provisions of the referenced management plan will sunset after July 31, 2006.

ISSUE: Department survey data indicate the legal size male component of Dungeness crab stock is insufficient to ensure that commercial, sport, personal use or subsistence fisheries can be conducted in a sustainable manner. Therefore, the provisions of the management plan should remain in effect and the sunset date should be removed.

WHAT WILL HAPPEN IF NOTHING IS DONE? The fisheries would remain closed but no criteria would be specified for management of the Dungeness crab resource.

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

WHO IS LIKELY TO BENEFIT? The resource will benefit from consideration of the elements within the management plan when the stocks sufficiently recover to provide for a fishery.

WHO IS LIKELY TO SUFFER? No one.

OTHER SOLUTIONS CONSIDERED? None.

PROPOSED BY: Alaska Department of Fish and Game (HQ-05-F-283)

PROPOSAL 302 - 5 AAC 55.022(b)(4). General provisions for seasons, bag, possession, and size limits, and methods and means for the Prince William Sound Area; 5 AAC 02.215. Subsistence Dungeness crab; and 5 AAC 77.556. Personal use Dungeness crab fishery. Amend these regulations as follows:

This proposal would add a reference to the commercial fisheries shellfish management plans within the sport, subsistence, and personal use regulations.

5 AAC 55.022:

(b)(4) Dungeness crab: no open season, **as established in 5 AAC 32.290**; may not be retained or possessed;

5 AAC 02.215:

The subsistence taking of Dungeness crab in the Prince William Sound Area is closed until the Dungeness crab stocks recover enough to provide a harvestable surplus and regulations are adopted by the Board of Fisheries that reopen the fishery, **as established in 5 AAC 32.290**.

5 AAC 77.556:

There is no open fishing season in the Prince William Sound Area for the personal use taking of Dungeness crab, **as established in 32.290**.

ISSUE: The regulatory management plans for sport, personal use, subsistence and commercial Prince William Sound Dungeness crab fisheries are all located within the commercial fisheries regulations in Chapter 32. A lack of reference to the commercial regulations within the sport, personal use, and subsistence regulations leads to confusion and misunderstanding of the regulations. The department considers this a housekeeping proposal.

WHAT WILL HAPPEN IF NOTHING IS DONE? A lack of clarity in the regulations will continue.

WILL THE QUALITY OF THE RESOURCE HARVESTED OR PRODUCTS PRODUCED BE IMPROVED? N/A.

WHO IS LIKELY TO BENEFIT? The public, the department, and ABWE will benefit from reference to regulatory management plans.

WHO IS LIKELY TO SUFFER? No one.

OTHER SOLUTIONS CONSIDERED? None.

PROPOSED BY: Alaska Department of Fish and Game (HQ-05-F-243)

PROPOSAL 303 - 5 AAC 38.224. Closed waters for scallops in Registration Area E. Amend this regulation as follows:

Repeal paragraph (a)(2) of this regulation, describing closed waters, which is redundant.

ISSUE: This is a housekeeping proposal to repeal the referenced closed waters because the area is closed to scallop fishing via another regulation (5 AAC 38.220). In March 2000 the board adopted regulations restricting the commercial harvest of scallops within the Prince William Sound Registration Area to the Eastern Section of the Outside District. The described closed waters area located with the Inside District area is no longer relevant to the scallop fishery.

WHAT WILL HAPPEN IF NOTHING IS DONE? Reference to the obsolete section will continue to be misleading.

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

WHO IS LIKELY TO BENEFIT? The public will benefit from accurate regulatory language.

WHO IS LIKELY TO SUFFER? No one.

OTHER SOLUTIONS CONSIDERED? None.

PROPOSED BY: Alaska Department of Fish and Game (HQ-05-F-285)

PROPOSAL 304 - 5 AAC 31.260. Prince William Sound Pot Shrimp Fishery Management Plan. Amend this regulation as follows:

Repeal subsection (c), which specifies the provisions of the referenced management plan will sunset after July 31, 2006.

ISSUE: Although department survey data indicate the spot shrimp stock in the PWS area has significantly rebounded in the past six years, nearly to levels observed when the commercial fishery closed, the stock cannot sustain a directed commercial harvest. Elements of the management plan are necessary to ensure that a commercial fishery can be conducted in a sustainable manner. Therefore, the provisions of this management plan should remain in effect and the sunset date should be removed.

WHAT WILL HAPPEN IF NOTHING IS DONE? Regulatory reference to the management plan would cease to exist.

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

WHO IS LIKELY TO BENEFIT? The resource will benefit from consideration of the elements within the management plan to provide for a sustainable fishery.

WHO IS LIKELY TO SUFFER? No one.

OTHER SOLUTIONS CONSIDERED? None.

PROPOSED BY: Alaska Department of Fish and Game (HQ-05-F-280)

PROPOSAL 305 - 5 AAC 31.310. Fishing seasons for Registration Area H; and 5 AAC 31.3XX. Vessel size limit. Create a new shrimp fishery as follows:

The regulation would be the same as previous open fishery regulations, except vessels would be limited to 60 feet. Fishing areas 600 feet or more must be fished exclusively.

ISSUE: Reopen Area G to shrimp trawl fishing.

WHAT WILL HAPPEN IF NOTHING IS DONE? The largest biomass of shellfish in this area will continue to be unharvested.

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

WHO IS LIKELY TO BENEFIT? Small vessels could fish shrimp and add needed revenue for the vessel.

WHO IS LIKELY TO SUFFER? None known.

OTHER SOLUTIONS CONSIDERED? None.

PROPOSED BY: Ray Spangler (HQ-05-F-144)

PROPOSAL 306 - 5 AAC 31.210. Shrimp pot fishing seasons for Registration Area E. Amend the regulation as follows:

Reestablish a spot shrimp commercial fishery in Prince William Sound.

ISSUE: Spot shrimp in Prince William Sound, in particular, historical and future commercial harvest. We would also like to address subsistence, sport and personal use considerations on a commercial fishery.

Topics to identify:

- Is the department comfortable with the state of the population and feel that it is harvestable in a sustainable manner?
- Time of year (reduce catch rate of gravid females, minimize participation).
- Refuge area(s) (to allow for continuation of established data collection by the department, minimize real or perceived conflict with sport and subsistence users).
- Establish a quota system for geographic areas in the sound? (much like in the sidestriped trawl fishery).
- Gear (number of pots, pot size, soak time). If not comfortable with a full commercial effort, would a small number of vessels fishing in a controlled manner be of benefit to the department?
- Create a mechanism to track sport and subsistence effort and harvest.

WHAT WILL HAPPEN IF NOTHING IS DONE? Future user group conflict. Without forethought, there will likely be user conflicts in the future to the detriment of a sustainable commercial harvest.

WILL THE QUALITY OF THE RESOURCE HARVESTED OR PRODUCTS PRODUCED BE IMPROVED? Sustainability and utilization of the resource.

WHO IS LIKELY TO BENEFIT? All user groups.

WHO IS LIKELY TO SUFFER? No one.

OTHER SOLUTIONS CONSIDERED? N/A

PROPOSED BY: Whittier Advisory Committee (SC-05-F-026)

PROPOSAL 307 - 5 AAC 31.235. Closed waters in Registration Area E. Amend the regulation to read as follows:

All state waters in Prince William Sound located south of 60° 22.00 and west of 148° 03.00 are closed to commercial shrimp fishing.

ISSUE: Beam trawl bottom fishing for side stripe shrimp in Prince William Sound (PWS) has negatively impacted traditional highly productive halibut grounds and has encroached on essential habitat for feeding orca whales, including the endangered AT1 pod, and has especially encroached on the concentrated feeding areas of the migrating humpback whales. Destruction of the bottom ecosystem and increased disturbance in essential whale habitats is a concern.

WHAT WILL HAPPEN IF NOTHING IS DONE? Continued poor fishing in an area where prior to bottom trawling and IFQ halibut fishing was very good. If commercial pot shrimping is approved, sport shrimping may become unproductive—not enough shrimp per pot to make the effort worthwhile. The regions' shrimp population is not showing signs of increase.

Unacceptable levels of habitat destruction due to bottom trawling in essential whale feeding regions. Unacceptable levels of disturbance to feeding humpback and orca whales. Both have been documented to be highly susceptible to disturbance by noise and boating activity and the region is well documented to be heavily used by both orca whales and humpback whales.

WILL THE QUALITY OF THE RESOURCE HARVESTED OR PRODUCTS PRODUCED BE IMPROVED? It was very clear to sport halibut fishermen that bottom trawling in PWS has been detrimental to sport halibut fishing. Additionally, if sport spot shrimping is reopened it will give sport pot shrimpers an area that is protected from the commercial fleet. Shrimp population estimates, both spot and sidestriped, in the southern region of PWS are not increasing. Limiting the harvest by excluding commercial fishing will maximize the potential recovery of both species of shrimp and provide a sustainable harvest for the increasing sport fishing fleet. With the combined large increase in Whittier's boat harbor and the addition of the fast ferry making Chenega's port far more accessible the sport fishing fleet is expected to expand dramatically in the next few years.

Essential habitat for feeding whales is very limited. Bottom trawling, in particular, does not represent long term sustainability of these important regions. The endangered AT1 orca pod needs aggressive management to have the slightest hope of recovery from possible extinction. Removing bottom trawling from these areas is an important step in the long term management of these species.

WHO IS LIKELY TO BENEFIT? Subsistence and sport fishermen, pot shrimpers, and both orca and humpback whale populations, including the endangered AT1 pod. The region is a very important area for the village of Chenega for subsistence and sport harvesting of fish and shrimp.

WHO IS LIKELY TO SUFFER? This proposal puts a very minor restriction on the sidestriped shrimp bottom trawlers. Almost all of the area is considered to be poor for bottom trawling as it is less than 170 fathoms; a relatively shallow depth. Shallow depths are not endorsed for bottom trawling by the area management biologist due to the potential for extensive habitat destruction and high bycatch rate. Very little documented effort has occurred in this region so the negative impact to the commercial side tripe fishery is minimal. Yet, some of the documented bottom trawl effort has taken place in very shallow waters of a terminal moraine in Icy Bay, a region of great concern to the area management biologists due to the shallow depth. It is also a favored region for resting and feeding humpback whales.

OTHER SOLUTIONS CONSIDERED? Closing the fishery only during the months of high whale activity. Unfortunately the humpback whales arrive as early as April and the AT1 pod is a resident pod. The commercial boats have traditionally fished this region at the end of their season to fill the quota of the last district available for fishing. This usually occurs well into the summer months so the restriction for whale migration/feeding dates would not work.

Protecting bottom habitat from the negative effects of bottom trawling needs to be accomplished before the fleet potentially fishes this area harder. Any open dates that allow bottom trawling will reduce the effectiveness of managing this region as essential whale feeding habitat. Maintaining a healthy bottom ecosystem is essential for maintaining a healthy feeding region for Prince William Sound's whale populations.

PROPOSAL 308 - 5 AAC 31.206. Area E registration. Amend the regulation as follows:

Only allow one spot shrimp permit to be fished per vessel.

ISSUE: Limit the number of permits fished per vessel to one in the Prince William Sound spot shrimp fishery and create economic opportunity for small boat owners.

WHAT WILL HAPPEN IF NOTHING IS DONE? Multiple permits per vessel would hurt the small boat nature of this fishery with potential for stacking multiple permits on larger vessels. It would limit the economic viability of the fishery to fewer vessel owners.

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

WHO IS LIKELY TO BENEFIT? Small boat fishermen.

WHO IS LIKELY TO SUFFER? No one.

OTHER SOLUTIONS CONSIDERED? None.

PROPOSAL 309 - 5 AAC 31.260. Prince William Sound pot shrimp fishery management plan. Amend the regulation as follows:

Establish a limited entry or some other form of cap on the distribution of permits.

ISSUE: Create some sort of a limit to permit holders for Prince William Sound (PWS) spot shrimp, or otherwise limit participation to a certain number of vessels.

WHAT WILL HAPPEN IF NOTHING IS DONE? An unlimited number of entrants in this fishery would result in short seasons and an economically unviable fishery. It would also result in a difficult to manage fishery for the department for a small and sensitive resource and create higher likelihood of gear conflicts, resulting in more lost gear and resulting dead loss.

WILL THE QUALITY OF THE RESOURCE HARVESTED OR PRODUCTS PRODUCED BE IMPROVED? With an unlimited number of entrants, there would be a big rush to catch fast in a short season. Entrants may sacrifice quality of the product in order to get more quantity.

WHO IS LIKELY TO BENEFIT? People who get permits; consumers because of a longer period of available products; the department with a fishery that would be easier to manage.

WHO IS LIKELY TO SUFFER? People who do not get permits.

OTHER SOLUTIONS CONSIDERED? A fishery that is open to all would tend to get a lot of people getting permits on a speculative basis and further compounding enforcement and management issues, putting undue pressure on a sensitive fishery.

PROPOSED BY: Gordon Scott

(SC-05-F-032)

PROPOSAL 310 - 5 AAC 31.206. Area E registration. Amend the regulation to include the following:

Permit holders and vessels who fish for spot shrimp in Prince William Sound (PWS) are not allowed to fish any other spot shrimp fisheries within the state.

ISSUE: Create PWS as an exclusive registration area for spot shrimp.

WHAT WILL HAPPEN IF NOTHING IS DONE? Shrimpers from other areas of the state could come to PWS and displace economic incentive for small boats in the PWS area.

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

WHO IS LIKELY TO BENEFIT? PWS fishermen.

WHO IS LIKELY TO SUFFER? Spot shrimpers from other areas of the state.

OTHER SOLUTIONS CONSIDERED?

PROPOSED BY: Gordon Scott

(SC-05-F-033)

PROPOSAL 311 - 5 AAC 31.260. Prince William Sound pot shrimp fishery management plan. Amend the regulation as follows:

Allow past catch history in the Prince William Sound (PWS) spot shrimp fishery to be used to determine a quota percent to be factored into shrimp allocations to permit holders. Perhaps some kind of allocation similar to that used in PWS sablefish which allocated half of the catch related to catch history by vessel size, and half by even distribution among permit holders.

ISSUE: Have some kind of a quota system for PWS spot shrimp.

WHAT WILL HAPPEN IF NOTHING IS DONE? If a quota system is not adopted, the shrimp resource will be put under undue pressure by the race for the shrimp. The department will have a difficult time of management with an open fishery. Shrimp quality could be lower, also.

WILL THE QUALITY OF THE RESOURCE HARVESTED OR PRODUCTS PRODUCED BE IMPROVED? Shrimp could be harvested not in a race, but under control such that fishers would have a lot of incentive to take excellent care of the product. This would contribute to a better product at the market and resulting price benefits.

WHO IS LIKELY TO BENEFIT? People with past participation in the fishery will benefit. All permit holders would benefit by a better product and less pressure to just catch as much as possible.

WHO IS LIKELY TO SUFFER? No one.

OTHER SOLUTIONS CONSIDERED? Other ways of allocating quota could be acceptable.

PROPOSED BY: Gordon Scott (SC-05-F-034)

PROPOSAL 312 - 5 AAC 31.260. Prince William Sound pot shrimp fishery management plan. Amend the regulation to include the following:

Allow for an experimental fishery controlled by the department with some of the rules that would otherwise be in force for a regular fishery.

ISSUE: Create an experimental fishery for spot shrimp in Prince William Sound.

WHAT WILL HAPPEN IF NOTHING IS DONE? There may be statutory or regulatory problems with opening a regular fishery. The shrimp stocks appear to be rebounding. If there is no fishery at all, then there would be no commercial utilization of what was previously believed to be a viable fishery. Then we could be set up for the regular boom-bust cycle.

WILL THE QUALITY OF THE RESOURCE HARVESTED OR PRODUCTS PRODUCED BE IMPROVED? Yes, if left closed, the resource could overproduce and overwhelm the available habitat and food chain, and then consequently crash in the future.

WHO IS LIKELY TO BENEFIT? Some fishers will benefit, and the department with further information as to stock assessment (harvest data, CPUE, etc.) and knowledge of the shrimp ecosystem.

WHO IS LIKELY TO SUFFER? No one.

OTHER SOLUTIONS CONSIDERED? I do not know of any other solutions. There may be other mechanisms that the department or the board can implement with the same result.

PROPOSED BY: Gordon Scott (SC-05-F-035)

PROPOSAL 313 - 5 AAC 31.225. Lawful shrimp trawl gear for Registration Area E. Amend the regulation as follows:

- 1). Allow shrimp trawlers, during black cod openings, to fish with excluder opening bars separated by four inches and retain both species.
- 2). Mandatory four inch separation in fish excluder bars on black cod trawlers.

ISSUE: Fish exclusion gear used by shrimp trawlers involved in black code opening in Prince William Sound.

WHAT WILL HAPPEN IF NOTHING IS DONE? Bycatch during black cod season will remain high. Inefficiency in black cod retention will continue.

WILL THE QUALITY OF THE RESOURCE HARVESTED OR PRODUCTS PRODUCED BE IMPROVED? Yes, less bycatch will keep retained product in better condition.

WHO IS LIKELY TO BENEFIT? Sablefish trawlers, species not retained in bycatch.

WHO IS LIKELY TO SUFFER? No one.

OTHER SOLUTIONS CONSIDERED?

PROPOSED BY: Whittier Advisory Committee (SC-05-F-006)

PROPOSAL 314 - 5 AAC 55.022(b)(5). General provisions for seasons, bag, possession, and size limits, and methods and means for the Prince William Sound Area; 5 AAC 02.210(5). Subsistence shrimp fishery; and 5 AAC 77.553(2). Personal use shrimp fishery. Amend these regulations as follows:

Repeal the requirement for a shrimp harvest record for sport, personal use and subsistence users fishing for shrimp in Prince William Sound.

5 AAC 55.022(b)(5) shrimp: may be taken from April 15-September 15; no bag, possession or size limits; [A HARVEST RECORDING FORM IS REQUIRED AS SPECIFIED IN 5AAC 75.016]; no more than five pots per person, with no more than five pots per vessel may be used to take shrimp; 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 of the pot; the net webbing or rigid mesh on all pots must be large enough to allow the passage of a maximum 12-inch long, seven-eighths inch diameter, round wooden peg without deforming the opening , except for the selvage;

5 AAC 02.210(5) a person may only take shrimp from April 15 – September 15 [UNDER THE AUTHORITY OF A SUBSISTENCE FISHING PERMIT ISSUED BY THE DEPARTMENT UNDER 5 AAC 02.015];

5 AAC 77.553(2) REPEALED

ISSUE: Beginning January 1, 2001 a shrimp harvest record was required for sport, personal use and subsistence users fishing for shrimp in Prince William Sound. The harvest record requires anglers to report date and areas fished, number of pots and time fished, and harvest. This information is collected to estimate effort and harvest of shrimp by non-commercial users throughout Prince William Sound (PWS). In addition to the permit requirement, new shrimp regulations approved by the Board of Fisheries at the 2000 meeting included a reduction in the number of pots to no more than 5 per person, with a maximum of 5 pots per vessel; and the establishment of a shrimp season from April 15-Sept. 15. After collecting three years of permit data from the PWS shrimp fishery, the harvest trends appear to correspond to data as reported in the department’s *State Wide Harvest Survey* (SWHS). By the time the PWS shellfish board meeting is held in 2005-2006, the department will have collected four years of data that can be compared to SWHS estimates. The department will be able to make a recommendation to the board if continuation of the harvest reporting form regulations are necessary, or if the data needed to manage and monitor the shrimp fishery can be collected from the SWHS estimates and the harvest form regulations can be repealed.

WHAT WILL HAPPEN IF NOTHING IS DONE? A harvest record will continue to be required along with its cost to the department.

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

WHO IS LIKELY TO BENEFIT? The department and anglers fishing for shrimp in PWS.

WHO IS LIKELY TO SUFFER? Nobody

OTHER SOLUTIONS CONSIDERED? Continue collecting data with the permit

PROPOSED BY: Alaska Department of Fish and Game (HQ-05-F-245)

PROPOSAL 315 - 5 AAC 55.022. General provisions for seasons, bag, possession, and size limits, and methods and means for the Prince William Sound Area; 5 AAC 02.210. Subsistence shrimp fishery; and 5 AAC 77.553. Personal use shrimp fishery. Amend these regulations to provide the following:

A person may not disturb, tamper with, or retrieve another person's pot gear without prior permission of the owner of that pot gear in Prince William Sound.

ISSUE: Currently no regulation exists that prohibits the pulling of another person's shellfish pot in Prince William Sound. Shrimp fishers have reported having their pots moved, robbed of shrimp, or stolen all together. This regulation has been effectively used to help prevent people from disturbing gear in Southeast Alaska.

WHAT WILL HAPPEN IF NOTHING IS DONE? Shrimp harvesters will continue to have difficulty lawfully harvesting shrimp due to gear loss. Enforcement will continue to be unable to cite those who tamper with noncommercial fishing gear.

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

WHO IS LIKELY TO BENEFIT? Sport shellfish harvesters

WHO IS LIKELY TO SUFFER? No one

OTHER SOLUTIONS CONSIDERED? Require shrimp harvesters to closely attend their shrimp pots.

PROPOSED BY: Alaska Department of Fish and Game (HQ-05-F-241)

PROPOSAL 316 - 5 AAC 55.022(b). General provisions for seasons, bag, possession, and size limits, and methods and means for the Prince William Sound Area. Amend the regulation as follows:

Pot limits: No more than five pots per household, maximum of ten pots per vessel, regardless of type, may be used to take shellfish at any time. Both permit holders must be present onboard to pull ten pots.

ISSUE: Restricting pot limits to maximum of five pots per vessel should be raised to allow two permit holders to utilize one vessel. Permit holders not from the same household.

WHAT WILL HAPPEN IF NOTHING IS DONE? Safety is the main issue. This change would allow for two permit holders to team up. The other issue is less pollution (one vessel versus two vessels).

WILL THE QUALITY OF THE RESOURCE HARVESTED OR PRODUCTS PRODUCED BE IMPROVED? As stated above, 50 percent less hydrocarbon pollution means better water quality and thus better resource and product quality.

WHO IS LIKELY TO BENEFIT? The State of Alaska and Prince William Sound waters.

WHO IS LIKELY TO SUFFER? No one.

OTHER SOLUTIONS CONSIDERED?

PROPOSED BY: Emil Johnson (HQ-05-F-027)

PROPOSAL 317 - 5 AAC 31.390. Cook Inlet Area Shrimp Management Plan. Amend this regulation as follows:

Repeal subsection (c), which specifies the provisions of the referenced management plan will sunset after July 31, 2006.

ISSUE: The department's shrimp trawl survey data indicate that shrimp stocks in the Cook Inlet Area remain depressed with the most recent biomass estimate approximately one-third the level at which the commercial trawl fishery closed. Pulses of abundance estimated from surveys in 2000 and 2004 are not evident in the 2003 survey thus sustained recovery of the population to levels that can support a non-commercial fishery has not likely occurred. Therefore, the provisions of the management plan should remain in effect and the sunset date should be removed.

WHAT WILL HAPPEN IF NOTHING IS DONE? The fisheries would remain closed but no criteria would be specified for management of the shrimp resource.

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

WHO IS LIKELY TO BENEFIT? The resource and the fishing public will benefit from consideration of the elements outlined in the current management plan. When stocks indicate a trend of recovery, the department will bring before the board, proposed regulations as mandated by the current management plan.

WHO IS LIKELY TO SUFFER? No one.

OTHER SOLUTIONS CONSIDERED? None.

PROPOSED BY: Alaska Department of Fish and Game (HQ-05-F-281)

PROPOSAL 318 - 5 AAC 31.490. Outer Cook Inlet Area shrimp fisheries management plan. Amend this regulation as follows:

Repeal subsection (c), which specifies the provisions of the referenced management plan will sunset after July 31, 2006.

ISSUE: The department plans to conduct a shrimp trawl survey in this area during spring 2005; the last survey occurred in 1994. The results of the latest stock assessment effort will be used to evaluate whether development of guidelines for management of shrimp fisheries is warranted. However, in the event that shrimp stocks in this area remain depressed, the provisions of the current management plan should remain in effect and the sunset date should be removed.

WHAT WILL HAPPEN IF NOTHING IS DONE? Regulatory reference to the management plan would be removed.

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

WHO IS LIKELY TO BENEFIT? If the stocks indicate a recovery has occurred, or is likely, the department will bring before the board, proposed regulations as mandated by the current management plan.

WHO IS LIKELY TO SUFFER? No one.

OTHER SOLUTIONS CONSIDERED? None.

PROPOSED BY: Alaska Department of Fish and Game (HQ-05-F-282)

PROPOSAL 319 - 5 AAC 32.390. Cook Inlet Area Dungeness Crab Fisheries Management Plan. Amend this regulation as follows:

Repeal subsection (c), which specifies the provisions of the referenced management plan will sunset after July 31, 2006.

ISSUE: Available data on the status of Cook Inlet Dungeness crab suggest that stocks remain at levels below that which can sustain any harvest. The last Dungeness crab pot survey, conducted in 2000, captured nine crab in 90 pots. The current regulation should remain because it guides the department by listing specific criteria the board desires the department to consider in management plan development.

WHAT WILL HAPPEN IF NOTHING IS DONE? The fisheries would remain closed but no criteria would be specified for management of the Dungeness crab resource.

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

WHO IS LIKELY TO BENEFIT? The resource and the fishing public benefit from consideration of the elements outlined in the current management plan.

WHO IS LIKELY TO SUFFER? No one.

OTHER SOLUTIONS CONSIDERED? None.

PROPOSED BY: Alaska Department of Fish and Game (HQ-05-F-284)

PROPOSAL 320 - 5 AAC 38.390. Cook Inlet Area miscellaneous shellfish fisheries management plan. Amend this regulation as follows:

Repeal subsection (c), which specifies the provisions of the referenced management plan will sunset after July 31, 2006.

ISSUE: Directed commercial fisheries for sea cucumbers, sea urchins, and octopi were closed by adoption of this regulation. Harvest in these fisheries had declined to low levels. Since then, the board adopted a bycatch only fishery for octopus with a 35,000 pound harvest level that has appeared to be sustainable. Recent department dive surveys conducted in historical harvest areas indicate stocks of sea cucumbers and urchins remain depressed. The current regulation should remain because it guides the department by listing specific criteria the board desires the department to consider in management plan development.

WHAT WILL HAPPEN IF NOTHING IS DONE? Regulatory reference to the management plan would be removed.

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

WHO IS LIKELY TO BENEFIT? Commercial resource users ultimately benefit from sustainable resource management and from regulations that do not create a false impression of resource abundance. The resource and the fishing public benefit from consideration of the comprehensive management plan elements outlined in the current regulation.

WHO IS LIKELY TO SUFFER? No one.

OTHER SOLUTIONS CONSIDERED? None.

PROPOSED BY: Alaska Department of Fish and Game (HQ-05-F-287)

PROPOSAL 321 - 5 AAC 38.318(b). Southern District hardshell clam and mussel fishery management plan. Amend this regulation as follows:

Repeal a portion of the hardshell clam fishery management plan that establishes the November 1 through March 15 fishing season as follows:

[(b) IN ADDITION TO THE SEASON SPECIFIED IN (A) OF THIS SECTION, IN THE SOUTHERN DISTRICT DESCRIBED IN 5 AAC 38.305(B), CLAMS AND MUSSELS MAY BE TAKEN FROM NOVEMBER 1 THROUGH MARCH 15 ONLY DURING 48-HOUR FISHING PERIODS ESTABLISHED BY EMERGENCY ORDER. FISHING PERIODS SHALL BE ESTABLISHED ONLY AFTER THE DEPARTMENT HAS DETERMINED THAT

- (1) THERE WILL BE A MINUS TIDE DURING THE 48-HOUR FISHING PERIOD;

(2) THE AMBIENT TEMPERATURE AT HOMER SPIT IS EXPECTED TO BE ABOVE 32° FAHRENHEIT; AND

(3) THE WIND-CHILL FACTOR TEMPERATURE AT HOMER SPIT IS EXPECTED TO BE ABOVE 20° FAHRENHEIT.]

Amend to divide the annual commercial guideline equally among the remaining three fishing intervals as follows:

(e) The annual commercial guideline harvest level shall be divided into **equal allocations among the remaining three fishing intervals**, [QUARTERLY] with any overage or underage carried over to the next quarter, except that no harvest allocation may be carried over into the next calendar year.

ISSUE: The current temperature dependent approach that opens a season from November 1 through March 15 during which fishing periods may be established by emergency order under certain the temperature-dependent conditions, is cumbersome and creates little opportunity for winter harvest. The plan specifies 48-hour fishing periods, opened via emergency order provided temperatures are forecast to remain above 32° F or above 20° F wind chill on Homer Spit. The intent of the regulation is to prevent clam digging during cold periods that increases mortality on sublegal hardshell and nontarget clam species. Little interest has been expressed for a winter commercial digging opportunity. During 2004 and 2005, all requests for fishing periods were denied due to forecast low temperatures and wind chill.

WHAT WILL HAPPEN IF NOTHING IS DONE? The plan will remain as it is currently written resulting in multiple weather checks on a daily basis while providing little opportunity for commercial clam harvest. Additionally, the potential will remain for allowing clam harvest outside of the plan's criteria during those times when weather in harvest areas is more severe than at the Homer Spit.

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

WHO IS LIKELY TO BENEFIT? The users will benefit from a clearly defined clam harvest season and the resource may benefit by reducing the likelihood that harvest would occur when temperatures are likely to increase mortality.

WHO IS LIKELY TO SUFFER? Some commercial clam harvesters may have reduced access to the resource.

OTHER SOLUTIONS CONSIDERED? Removing or amending the temperature dependent clam harvest criteria would remove the biological protections that the regulation intended to provide.

PROPOSED BY: Alaska Department of Fish and Game (HQ-05-F- 286)

PROPOSAL 322 - 5 AAC 58.022(a)(10), (a)(15). Waters; seasons; bag, possession, and size limits; and special provisions for Cook Inlet – Resurrection Bay Saltwater Area; 5 AAC 77.511. Personal use shrimp fishery; and 5 AAC 77.512. Personal use Dungeness crab fishery.
Amend these regulations as follows:

This proposal would add a reference to the commercial fisheries shellfish management plans within the sport and personal use regulations.

5 AAC 58.022:

(a)(10) Dungeness crab: no open season, as established in 5 AAC 32.390; may not be retained or possessed;

(a)(15) shrimp: no open season, as established in 5 AAC 31.390 and 5 AAC 31.490; may not be retained or possessed;

5 AAC 77.511:

There is no open fishing season in the Cook Inlet Area for the personal use taking of shrimp, as established in 31.390 and 5 AAC 31.490.

5 AAC 77.512:

There is no open fishing season in the Cook Inlet Area for the personal use taking of Dungeness crab, as established in 32.390.

ISSUE: The regulatory management plans for sport, personal use, and commercial Cook Inlet Dungeness crab and shrimp fisheries are all located within the commercial fisheries regulations in Chapters 31 and 32. A lack of reference to the commercial regulations within the sport and personal use regulations leads to confusion and misunderstanding of the regulations. The department considers this a housekeeping proposal.

WHAT WILL HAPPEN IF NOTHING IS DONE? A lack of clarity in the regulations will continue.

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

WHO IS LIKELY TO BENEFIT? The public, the department, and ABWE will benefit from reference to regulatory management plans.

WHO IS LIKELY TO SUFFER? No one.

OTHER SOLUTIONS CONSIDERED? None.

PROPOSED BY: Alaska Department of Fish and Game (HQ-05-F-244)

PROPOSAL 323 - 5 AAC 58.022(a)(12-13). Waters; seasons; bag, possession, and size limits; and special provisions for Cook Inlet – Resurrection Bay Saltwater Area; 5 AAC 58.026(b). Shellfish harvest recording form required; and 5 AAC 77.508(a), (b)(1). Personal use permit for shellfish. Amend these regulations as follows:

Repeal the requirement for a shellfish harvest record to take hardshell clams in Kachemak Bay. For the purposes of this proposal “hardshell clams” means Pacific littleneck clams (*Protothaca staminea*) and butter clams (*Saxidomus giganteus*).

ISSUE: The harvest record requirement was to provide effort and harvest by location within Kachemak Bay and species composition of the harvest but compliance in reporting on the permit was found to be poor and estimates of harvest composition and location from the permits biased.

WHAT WILL HAPPEN IF NOTHING IS DONE? A permit requirement for digging hardshell clams in Kachemak Bay that produces biased fishery data will remain in place.

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

WHO IS LIKELY TO BENEFIT? The public and the department will benefit from funds being expended on other programs that better assess clam effort and harvest in Kachemak Bay.

WHO IS LIKELY TO SUFFER? No one.

OTHER SOLUTIONS CONSIDERED? Increased enforcement of the permit program may improve compliance.

PROPOSED BY: Alaska Department of Fish and Game (HQ-05-F-242)

PROPOSAL 324 - 5 AAC 32.055. Size limits for Dungeness crab. Amend the regulation as follows:

(a) Male Dungeness crab six and one-half inches [(165 MM)] or greater in shoulder width may be taken or possessed, unless otherwise provided for in 5 AAC 32.

ISSUE: Clarify the regulation defining the size of Dungeness crab. The current regulation lists six and one-half inches and 165 mm. The conversion of inches to millimeters is not identical and for clarity sake. The regulation needs to list one size only, preferably in inches, the commonly used measurement by the fleet.

WHAT WILL HAPPEN IF NOTHING IS DONE? The regulation book will list two different sizes—six and one-half inches or 165 millimeters--which creates confusion on the proper size of crab.

WILL THE QUALITY OF THE RESOURCE HARVESTED OR PRODUCTS PRODUCED BE IMPROVED? N/A.

WHO IS LIKELY TO BENEFIT? Fishermen, the department, and enforcement as the regulation will not have any ambiguity remaining.

WHO IS LIKELY TO SUFFER? No one.

OTHER SOLUTIONS CONSIDERED? None, want to clarify current regulation, not change it.

PROPOSED BY: Southeast Alaska Fishermen's Alliance (HQ-05-F-137)

PROPOSAL 325 - 5 AAC 31.525. Lawful shrimp trawl gear for Registration Area J. Amend the regulation to include:

- 1) Require cod-end composed of one and seven-eighths inch mesh stretched long, perpendicular to the mouth of the trawl.
- 2) Equip with a rigid finfish excluder device.

ISSUE: No regulations.

WHAT WILL HAPPEN IF NOTHING IS DONE? A lot of fish wasted.

WILL THE QUALITY OF THE RESOURCE HARVESTED OR PRODUCTS PRODUCED BE IMPROVED? Allows small shrimp and most all fish escape the trawl unharmed.

WHO IS LIKELY TO BENEFIT? All.

WHO IS LIKELY TO SUFFER? No one.

OTHER SOLUTIONS CONSIDERED? None.

PROPOSED BY: Tom Gilmartin (HQ-05-F-149)

PROPOSAL 326 - 5 AAC 38.076(g). Alaska scallop fishery management plan; and 5 AAC 39.141. Onboard observer program. Amend these regulations as follows:

Require only 30 percent coverage on vessels less than 80 feet

ISSUE: Expensive observers stop small scallop vessels from fishing due to high cost.

WHAT WILL HAPPEN IF NOTHING IS DONE? Small vessels cannot fish scallop.

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

WHO IS LIKELY TO BENEFIT? Small scallop fishermen/vessels.

WHO IS LIKELY TO SUFFER? Large scallop fishermen/vessels.

OTHER SOLUTIONS CONSIDERED? Zero coverage. Board said no last time.

PROPOSED BY: Tom Gilmartin (HQ-05-F-150)

PROPOSAL 327 - 5 AAC 77.112. Personal use Dungeness crab fishery. Amend the regulation as follows:

Delete the regulations as being obsolete.

ISSUE: The entire Norton Sound-Port Clarence Area is a subsistence area so personal use is not needed. The lack of a permit requirement for the personal use crab fisheries in Norton Sound can allow a loop-hole for those not wanting to pick up a subsistence permit. In the past a fisherman cited for not having a subsistence permit claimed he was personal use fishing after the fact.

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-05-F-288)

PROPOSAL 328 - 5 AAC 38.430. Guideline harvest range for the taking of scallops.
Amend this regulation as follows:

This proposal reduces the weathervane scallop guideline harvest range (GHR) in the waters of Scallop Registration Area Q, Bering Sea, from the current range of zero to 400,000 pounds of shucked meat to zero to 300,000 pounds of shucked meat.

ISSUE: Scallop fishing in the Bering Sea occurs north of Unimak Island where stocks are widely distributed at low densities. Only twice in the history of the Bering Sea scallop fishery, 1993 and 1994, has the harvest exceeded 300,000 pounds of shucked scallop meats. The large catches in 1993 and 1994 during the fishing-up period have not been sustainable. With exception of the 1998/99 season, there has been little recruitment to the population. Predominately large, old animals support the fishery. Between 1996 and 2004, the scallop harvest in the Bering Sea ranged from 10,000 pounds to 150,000 pounds of shucked meats.

In Amendment 6 to the federal Fishery Management Plan for the Scallop Fishery off Alaska, optimum yield is described as zero to 1,240,000 pounds of shucked meats. Under current regulations, the sum of the upper end of the GHRs from the nine statewide scallop registration areas is 1,340,000 pounds. To come into compliance with Amendment 6, the sum of the upper end of the GHRs must be reduced by 100,000 pounds of shucked meats.

WHAT WILL HAPPEN IF NOTHING IS DONE? The state will be out of compliance with Amendment 6 to the federal Fishery Management Plan for the Scallop Fishery off Alaska.

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

WHO IS LIKELY TO BENEFIT? The public and state will benefit by compliance with federal regulation.

WHO IS LIKELY TO SUFFER? No one.

OTHER SOLUTIONS CONSIDERED? None.

PROPOSED BY: Alaska Department of Fish and Game (HQ-05-F-289)

PROPOSAL 390 (Formerly ACR #13) - 5 AAC 21.350. Closed Waters. Amend the regulations as follows:

(b)(6) Packers Creek—the area near the terminus encompassed by the following series of points is closed to commercial fishing:

1. South marker at 60° 26.11', 151° 55.66'
2. 60° 25.33', 151° 55.00'
3. 60° 25.31', 151° 52.68'
4. 60° 26.42', 151° 51.71'
5. North marker at 60° 26.42', 151° 53.32'

Redescribe the closed water at Packers Creek using a series of points (GPS) to eliminate the unenforceable and confusing one-mile closure that is currently in regulation.

ISSUE: The regulation currently in place, a one-mile closure from the terminus of Packers Creek, was first adopted in the 1920s. In 1999 the regulation was amended to include the one-mile closure but also incorporated the latitude and longitude of the markers. In addition, the 1999 amendment corrected a problem that exists as you move offshore from the marker on the north side of the creek. In 2005 the board returned the closed waters to a one-mile closure which rekindled the closed waters problems as you move offshore on the north side of the creek.

WHAT WILL HAPPEN IF NOTHING IS DONE? This is an attempt to settle a problem that has recurred many times since 1998 with respect to closed waters in this area. In 2005 the board passed a proposal that returned the closed waters description to one-mile from Packers Creek, intending to return the marker to its “traditional” location. In early June 2005 the marker was remeasured and remained in its original location at 60° 26.42' N. Lat. and 151° 53.32' W. Long., which the department believes is its traditional location. The intent is to settle a closed waters dispute to allow “traditional” setnet locations to be fished without opening new area or redistributing the catch in any way.

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

WHO IS LIKELY TO BENEFIT?

WHO IS LIKELY TO SUFFER?

OTHER SOLUTIONS CONSIDERED?

PROPOSED BY: Alaska Department of Fish and Game (HQ-05-F-303)

PROPOSAL 391 (Formerly ACR #3) - 5 AAC 06.360. Naknek River sockeye salmon special harvest area management plan. Amend this regulation to provide the following:

No more than 75 [50] fathoms of drift gillnet gear may be used to harvest salmon.

ISSUE: Difficulty of the drift fleet to harvest fish as efficiently and rapidly as the setnetters in the Naknek River Special Harvest Area which results in the setnetters waiting for the drift fleet to catch up. Also 50 to 100 percent more escapement than needed occurs, causing lost economic value.

When the allocation between drifters and setnetters was put into effect, it was based on historical average catches. Moving into the Naknek River SHA shortened the amount of gear allowed. The percentage of gear was not the same between gear groups when in river resulting in the drift fleet having to catch up to the allocation. Example: Historically, 50 fathoms for setnet and 150 fathoms for drift; inriver equals 25 fathoms for set and 50 for drift.

WHAT WILL HAPPEN IF NOTHING IS DONE? Setnetters have to wait two to three days during the middle of the season and the Naknek River escapement has been getting from 50 to 100 percent more than is needed. This results in lost economic value to fishermen and to the borough through fish taxes

It does not change the allocation. It makes it easier for the drift fleet to catch fish resulting in less time. The setnetters do not have to wait too long between openings resulting in more evenly distributed fishing time.

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

WHO IS LIKELY TO BENEFIT?

WHO IS LIKELY TO SUFFER?

OTHER SOLUTIONS CONSIDERED?

PROPOSED BY: Randy Alvarez

(HQ-05-F-304)

PROPOSAL 392 (Formerly ACR #36) - 5 AAC 06.364. Naknek-Kvichak District Commercial Set and Drift Gillnet Sockeye Salmon Fisheries Management and Allocation Plan. Amend this regulation as follows:

At any time that the driftnet portion of the fishery within the NRSHA has fallen behind their allocation percentage by more than 0.5 percent or the Naknek River is above its escapement goal, the setnet gear group shall remove all equipment that could interfere with driftnet operation from the water below the 18 foot high tide mark during driftnet openings.

ISSUE: The escapement in the Naknek River SHA could be easily controlled by the driftnet fishery. The setnet gear that remains in the water during driftnet only openings interferes with the driftnetters' ability to control escapement. The Naknek-Kvichak setnetters in the Alagnak River SHA showed that setnet gear can be removed during setnet closures.

WHAT WILL HAPPEN IF NOTHING IS DONE? The Naknek-Kvichak District allocation plan has, since 1998, stated that the driftnet portion of the fishery is to be allocated 84 percent of the sockeye catch in the Naknek-Kvichak District. After the board in 2003 specifically asked the department to manage for allocation within the NRSHA, the allocation came out closer but still is not close and all errors up until now have been in the setnet gear group's favor.

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

WHO IS LIKELY TO BENEFIT?

WHO IS LIKELY TO SUFFER?

OTHER SOLUTIONS CONSIDERED?

PROPOSED BY: Howard Knutson (HQ-05-F-305)

PROPOSAL 393 (Formerly ACR #44) - 5 AAC 06.360(b). Naknek River Sockeye Salmon Special Harvest Area Management Plan. Amend this regulation as follows:

Move the current boundary line upstream 1000 feet for the driftnet fleet.

ISSUE: There is only one location in the Naknek River where the barge company can anchor and maintain a floating barge free of grounding. This anchorage is used to tie up container barges ranging from 180 foot to 300 plus feet in length. This anchor is located on the lower boundary line of the Naknek River Special Harvest Area. Moving a barge to this location when the drift gillnet fishery is occurring is at times a safety issue and can be troublesome when drift gear is getting wrapped in the anchor line and around the barges. Since the inriver fishery has been used yearly (since 1999) it would be a benefit to move the current line 1,000 feet upstream for the drift fleet yet leave the original line in place for the set gillnet fleet, since they are using anchored gear and not a problem.

WHAT WILL HAPPEN IF NOTHING IS DONE? When the Naknek River SHA was created it was not expected to be used ever year for the entire season. When the fishery is in the river all season it makes it difficult to get shipping done in a safe and necessary manner.

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

WHO IS LIKELY TO BENEFIT?

WHO IS LIKELY TO SUFFER?

OTHER SOLUTIONS CONSIDERED?

PROPOSED BY: Alaska Department of Fish and Game (HQ-05-F-306)

PROPOSAL 394 (Formerly ACR #41) - 5 AAC 06.364. Naknek-Kvichak District Commercial Set and Drift Gillnet Sockeye Salmon Fisheries Management and Allocation Plan. Amend the regulation as follows:

Allow the driftnet fleet access to the Alagnak River SHA.

ISSUE: In 2005 the Alagnak River was opened for the first time to commercial fishing. This was probably a good idea for the fishermen of the Naknek-Kvichak District. The driftnet fishermen of the district were no allowed into this section because it was alleged to be too small for driftnet vessels. To the contrary, it is likely that driftnet vessels would have an easier time operating in this special harvest area than setnetters with our greater hold capacities and ability to

transport chilled fish to market. The 2005 season showed the setnet portion of the fishery could not harvest more than a small portion of the salmon available.

WHAT WILL HAPPEN IF NOTHING IS DONE? Fish are to be allocated between set and drift net gear groups by district. The Alagnak River is part of the Kvichak Section of the Naknek-Kvichak District as defined in 5 AAC 06.200(b)(1). The allocation plan should be applied in this area either by allowing fishing by both gear groups or including those fish harvested within the Alagnak River SHA into the district-wide allocation plan. Last year there was almost no driftnetter involvement in discussions about this highly allocative, out-of-cycle issue.

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

WHO IS LIKELY TO BENEFIT?

WHO IS LIKELY TO SUFFER?

OTHER SOLUTIONS CONSIDERED?

PROPOSED BY: Virginia Tornes (HQ-05-F-307)

PROPOSAL 395 (Formerly ACR #33) - 5 AAC 35.508(d). Eastern Subdistrict *C bairdi* Tanner crab harvest strategy. Amend the regulation as follows:

Modify the TAC in the eastern subdistrict in order to allow a fishery.

ISSUE: The board adopted a very conservative harvest strategy, including a minimum GHL (TAC) of 4,000,000 pounds for the bairdi rebuilding plan and harvest strategy in a portion of the Eastern Subdistrict, east of 166 West in the Bering Sea District in March 1999. The minimum GHL was established in part to minimize impacts from conditions of large fleet size and the open access fishery. The status of the stocks has improved and bycatch and related fishery impacts will be minimized as a result of reduced fleet size with the newly implemented rationalized cooperative fisheries management program that will allow bairdi to be retained as bycatch in the concurrent king crab and bairdi fishery (Eastern Subdistrict), and as bycatch in the concurrent snow crab and bairdi fishery (Western Subdistrict). A preliminary review of the harvest strategy components and regulations indicate that the board has the authority to modify the minimum TAC for Eastern subdistrict bairdi without the need for the NPFMC to develop an amendment to the FMP.

WHAT WILL HAPPEN IF NOTHING IS DONE? There could be extensive foregone economic opportunities as a result of a resource situation where a biologically allowable resource harvest would be precluded by a delayed regulatory action and such delay could be significantly burdensome to the industry because the resource would be unavailable in the future.

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

WHO IS LIKELY TO BENEFIT?

WHO IS LIKELY TO SUFFER?

OTHER SOLUTIONS CONSIDERED?

PROPOSED BY: Bill Widing

(HQ-05-F-308)

PROPOSAL 396 (Formerly ACR #18) - 5 AAC 39.690(d). Bering Sea/Aleutian Islands King and Tanner crab community development quota fisheries management plan. Amend this regulation to provide the following:

Implement a 3 percent overage provision for vessels that land CDQ crab.

ISSUE: The crab rationalization regulations did not address overage provisions for CDQ fisheries. The same provision should apply to both CDQ and non-CDQ fisheries. We are asking that the same regulation for overages that apply to the general fishery apply to the CDQ as well.

WHAT WILL HAPPEN IF NOTHING IS DONE? There could be extensive foregone economic opportunities as a result of a resource situation where a biologically allowable resource harvest would be precluded by a delayed regulatory action and such delay could be significantly burdensome to the industry because the resource would be unavailable in the future.

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

WHO IS LIKELY TO BENEFIT?

WHO IS LIKELY TO SUFFER?

OTHER SOLUTIONS CONSIDERED?

PROPOSED BY: Bristol Bay Economic Development Corporation

(HQ-05-F-309)

PROPOSAL 397 (Formerly ACR #5) - 5 AAC 01.010. Methods, Means, and General Provisions; 5 AAC 02.010. Methods, Means, and General Restrictions; and 5 AAC 39.975. Definitions. Amend these regulations as follows:

5 AAC 01.010. Methods, Means, and General Provisions

(d) It is unlawful to buy or sell subsistence-taken fish, their parts, or their eggs, unless otherwise specified in this chapter, except that it is lawful to sell handicrafts made out of the skin or nonedible by-products of fish taken for personal or family consumption.

5 AAC 02.010. Methods, Means, and General Provisions

(b) It is unlawful to buy or sell subsistence-taken shellfish, their parts, or their eggs, unless otherwise specified in this chapter, except that it is lawful to sell handicrafts made out of non-edible by-products of shellfish taken for personal or family consumption.

5 AAC 39.975 Definitions

(XX) "Handicraft" means a finished product in which the shape or appearance of the natural material has been substantially changed by skillful use of the hands, such as by sewing, carving,

etching, scrimshawing, painting, or other means, and which has substantially greater monetary and aesthetic value than the unaltered natural material alone.

ISSUE: In response to an inquiry from the public, the Department of Fish and Game was advised by the Department of Law on April 12, 2005 that 5 AAC 01.010(d) prohibits the selling of subsistence-taken fish and their parts, and that this prohibition includes handicrafts. This interpretation would also apply to subsistence shellfish (5 AAC 02.010(b)). Under state statute (AS 16.05.940(32)) “the making and selling of handicraft articles out of the non-edible by-products of fish and wildlife taken for personal or family consumption” is part of the definition of “subsistence use.” Manufacturing and selling handicraft items, such as dolls, decorative mukluks, baskets, and bags, made from and/or incorporating the skin and non-edible byproducts of fish or shellfish is a traditional activity in much of Alaska, part of a cottage-industry of craft production and sale. It is highly unlikely that any practitioners of these crafts are aware that the state now considers this an illegal activity. Presently, with some exceptions, the manufacture and sale of handicrafts from wildlife (game) is allowed (5 AAC 92.200). The Department of Law advised that in order to allow the sale of traditional handicrafts made from the parts of subsistence-taken fish, an explicit exception similar to that provided in the game regulations is needed. The Department of Law also recommended that the Board of Fisheries adopt a definition of “handicraft” similar to that found in 5 AAC 92.990(57) for game.

WHAT WILL HAPPEN IF NOTHING IS DONE? Manufacture and sale of handicraft items made from the skin or nonedible by-products of fish taken for subsistence purposes is part of a cottage industry of craft production and sale in Alaska that is recognized as traditional under Alaska statute but that under a recent interpretation by the Department of Law is illegal under current regulations. This creates a conflict between the provision within state statute to provide opportunities for traditional uses of fish and the current regulation that prohibits a traditional use.

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

WHO IS LIKELY TO BENEFIT?

WHO IS LIKELY TO SUFFER?

OTHER SOLUTIONS CONSIDERED?

PROPOSED BY: Alaska Department of Fish and Game (HQ-05-F-310)

PROPOSAL 398 (Formerly ACR #16) - 5 AAC 01.011. Subsistence finfish proxy fishing; 5 AAC 75.011. Sport proxy fishing; 5 AAC 77.016. Personal use proxy fishing. Amend the regulations to provide the following:

Prohibit proxy fishing for halibut in the states sport, personal use, and subsistence fisheries.

ISSUE: State and federal regulations regarding proxy fishing for halibut are in direct conflict. The Board of Fisheries adopted regulations in 1994 that provide for proxy fishing for halibut in subsistence, personal use, and sport fisheries. Federal regulations do not provide for proxy fishing for any user group.

Halibut are managed by the federal government and regulations for all types of halibut fishing are established by the International Pacific Halibut Commission (IPHC). Federal regulations supercede state regulations. Even though proxy fishing for halibut has occurred in Alaska waters for ten years (1994-2004), this year (2005) federal enforcement staff have stated that they will cite fishermen for proxy fishing for halibut, even though fishermen have all of the state proxy forms, licenses, etc. properly filled out and on their person.

WHAT WILL HAPPEN IF NOTHING IS DONE: The existing state proxy regulations for halibut are in direct conflict with federal regulations, which supersede state regulations. Proxy fishermen can be cited for a federal violation even though they have complied with all state regulations.

The proposed solution to this unforeseen effect is to prohibit proxy fishing for halibut by all user groups; then state regulations will be consistent with federal regulations. Proxy fishing for all other species will not be amended.

Prohibiting proxy fishing for halibut will not allocate halibut to another user group. This prohibition would restrict subsistence, personal use, and sport fishermen to taking only two halibut per day, instead of four.

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

WHO IS LIKELY TO BENEFIT?

WHO IS LIKELY TO SUFFER?

OTHER SOLUTIONS CONSIDERED?

PROPOSED BY: Alaska Department of Fish and Game

(HQ-05-F-311)
