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HYDABURG COOPERATIVE ASSOCIATION



PO BOX 349

HYDABURG, ALASKA 99922

Phone: 907-285-3666, 3665, 3660 or 3662

Fax: 907-285-3541

*to Jim Marcotte  
for BOF/BOA  
5/1*

*to Marcotte 10/20/2008  
pc*

October 7, 2008

Area Manager  
Alaska Dept. of Fish and Game  
PO Box 115526  
Juneau, Alaska 99811-5526

To Whom It May Concern:

At a meeting of our Tribal Council on October 06, 2008 they adopted the enclosed resolution. If you have any questions please call any of the above phone numbers. Thank you.

Sincerely,

A handwritten signature in cursive script, reading "Doreen Witwer". The ink is dark and the signature is fluid.

Doreen Witwer  
Tribal Administrator

*1/5*

RECEIVED

OCT 13 2008

DEPT. OF FISH & GAME  
COMMISSIONER'S OFFICE  
COMMENT# 1



## **HYDABURG COOPERATIVE ASSOCIATION**

**Resolution No. 2008- 33**

### **A RESOLUTION TO PROTECT IMPORTANT AREAS ACCORDING TO THE TRADITIONAL AND CUSTOMARY USES OF THE HAIDA PEOPLE, ESTABLISHING A SUBSISTENCE ZONE SURROUNDING HYDABURG**

WHEREAS, the Hydaburg Cooperative Association (IRA) is a federally recognized tribe organized pursuant to the authority of Section 16 of the Act of Congress June 18, 1934 (48 Statute 984) as amended by act of Congress, May 1, 1936; and,

WHEREAS the Hydaburg Cooperative Association Tribal Council is the governing body of the Hydaburg Tribe in accordance with its Constitution, and by-laws, including "the protection of the Haida Nation membership; and,

WHEREAS, the commonality of the customary and traditional use of land, sea, and natural resources is what binds the Haida Nation together, and the customary and traditional use of each Village is inseparable from the language, tradition, ceremony of the Haida People; and,

WHEREAS, we hold these truths to be self-evident since time immemorial; and,

WHEREAS, The Haida Traditional Territories as described by our ancestors through treaties established with neighboring tribes is as follows:

*"The Northwest corner lies (56°N, 134°50'W) to the north and west of Hazy Islands. The Northern Boundary follows the 56° meridian to a point at 133° 58' W, continues to the east of Warren Island and southward down the middle of Warren Channel to a point (55°50' N, 133°30' W) west and south of Whale Head Island, turns eastward to a point in Sea Otter Sound (55°50' N, 133°30' W), then north to a point 55°55' N, 133°20' W) north of Tuxekan Island, then southward along the east and south coasts of Tuxekan Island, then west to Chuck Island, then southwestward to a point (55°40' N, 133°30' W) south of Hecta Island, turning to the southeast and crossing the Gulf of Esquible to a point (55°35' N, 133°30' W) north of San Fernando Island, then eastward to the middle of the Klawock River, the northeastward to the east coast of Prince of Wales Island to Marrow Point and continuing to a mid-point in Clarence Straits between Prince of Wales Island and Myers Check, then southward down the middle of Clarence Straits, crossing the Dixon Entrance to the mid-point between Rose Spit and Dundas Island, continuing southward through Hecta Straits to the mid-point between Cumsheewa Head and Bonila Island then on southward to the mid-point between Cape St. James and the Good Group, then west to the*



*Abysmal Deep, then north (paralleling the west coast of the Queen Charlotte Islands) following the Abysmal Deep across Dixon Entrance, passing to the west of Forester Island and ending at a point (56°N, 134°50'W) north and west of Hazy Island."*

WHEREAS, the above mentioned areas are critical tide-land areas to the Haida People. We Urge the State of Alaska to place special protections on these sites to preserve our uses of the resources.

WHEREAS, In particular. the HCA would like to establish a working relationship with the state of Alaska to place areas surrounding Hydaburg into a subsistence harvest only status, a map is attached showing the areas, with a description below:

Entire Natzuhini Bay Area	High value subsistence area, Heavy utilization by Hydaburg Residents for Salmon, crab, shellfish, marine mammal hunting
Sukkwana Straits (East and West Shorelines extending from Hydaburg south to Eek point and Round Point on Blanket Island.	High value Subsistence Area, shellfish, salmon, crab, marine mammal hunting
Entire Hetta Inlet (shorelines on both sides from lime point and eek point to the head of Portage Bay)	High Value Subsistence area, 2 major sockeye systems, shellfish, historical sites, Native Upland owners

WHEREAS, Commerical activities in the immediate area are becoming a threat to the subsistence lifestyle, as competition increases for limited resources.

WHEREAS, the HCA understands the importance of the commercial industry to our area for employment opportunities, so we limit our request to waters and tidelands immediately adjacent to the community of Hydaburg;

NOW, THEREFORE, BE IT RESOLVED, that the Hydaburg Cooperative Association request that the customary and traditional areas mentioned above; Natzuhini Bay, Hetta Inlet, and Sukkwana Straits be placed into protective status for subsistence uses in order to best protect the customary and traditional activities of the Haida People; and,

BE IT FURTHER RESOLVED, that the Hydaburg Cooperative Association urges the State of Alaska to heed the request of communities, tribes, and individuals to protect important traditional and customary areas for the good of future generations.

This resolution was duly adopted at the Tribal Council of the Hydaburg Cooperative Association at their regular or special meeting held on this 24<sup>th</sup> day of October 2008 by a quorum of 5 Yes and 1 No and \_\_\_\_\_ Abstentions.

3/5

COMMENT#

1



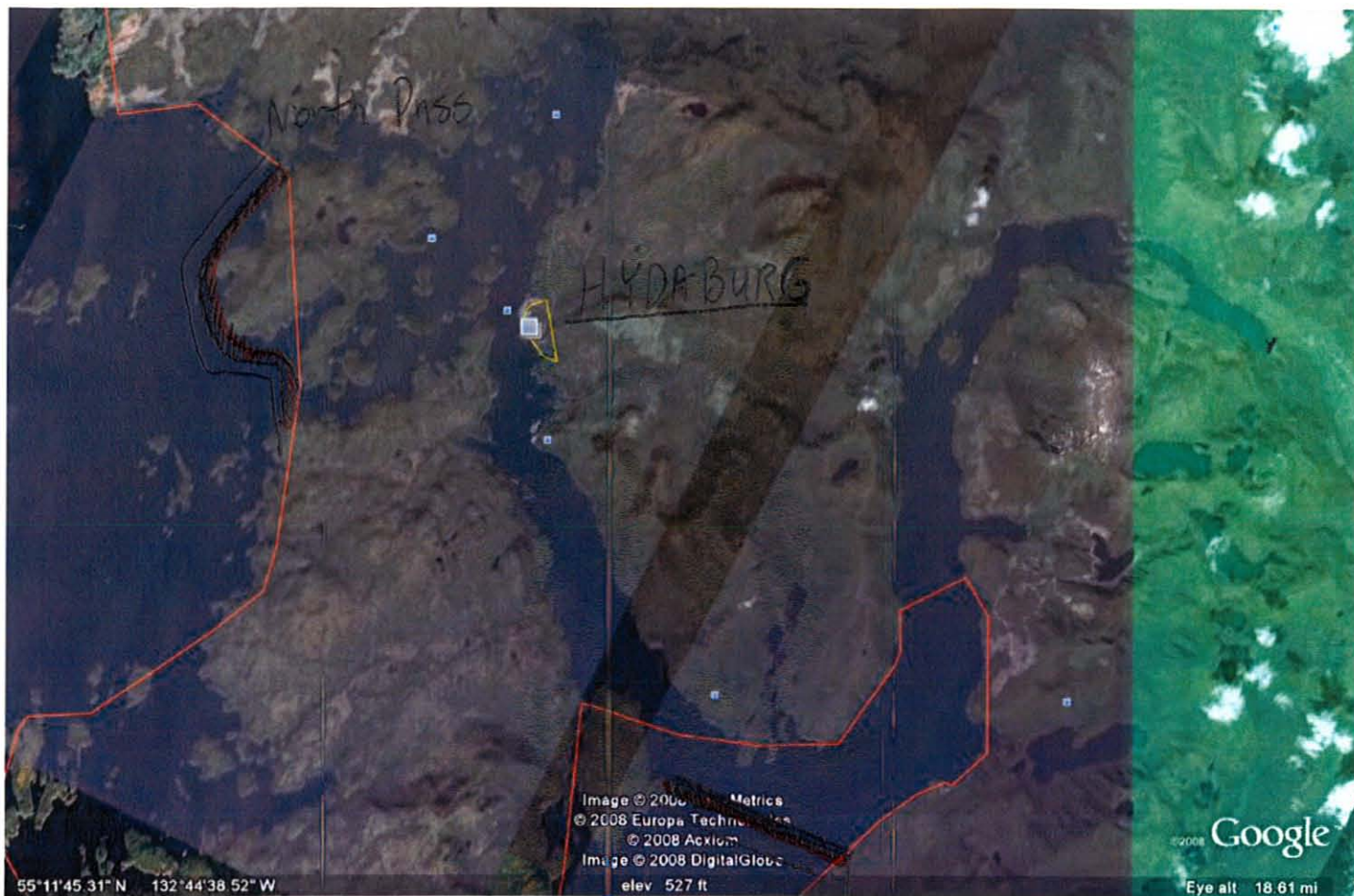
Arlene Edmonson  
**President**

**ATTEST:**  
**Tribal Secretary**

May 1

4/5

COMMENT# 1



↓ Round Point      ↓ Cooper City

Northpass

5/5

COMMENT# 1

RECEIVED

OCT 23 2008

BOAFL -

October 13, 2008

Alaska Department of Fish & Game  
Boards Support Section  
P.O. Box 115526  
Juneau, AK 99811-5526

*RE: Naukati Bay Dungeness Crab Fishery Discussion  
Meeting at Petersburg – Week of January 21<sup>st</sup>, 2009*

Member of the Board

As a resident of Naukati Bay for the past 15 years, I must express my extreme concern for the Dungeness crab fishery in the Bay. It is my hope that you will consider suspending commercial crab fishing in Naukati Bay in an attempt to save this damaged and fragile fishery.

Over the past four years, I, along with my neighbors, have seen a dramatic and continuous reduction in the crab in Naukati Bay. Ten years ago, it was not unusual to harvest 12 crabs on a day. In the summer of 2008, I had two pots out for a full week and got only one crab. The disappearance of the crab has occurred directly in relation to the commercial crabbing and an infestation of sea otters that has occurred at Naukati.

While we cannot do anything about the sea otters, we can make changes to level the commercial crabbing at Naukati. I believe it is imperative that commercial crabbing in Naukati Bay is stopped immediately. We must save this bay!

Sincerely,

  
Gerald Hermanson  
P.O. Box 483  
Naukati, AK 99950



RECEIVED

NOV 17 2003

BOARDS

Attention: BOF Comments  
Board's Support Section  
ADF&G  
PO Box 115526  
Juneau AK 99811-5526

I am a 33 resident of Southeast Alaska and have been involved in the harvest of food from the sea since I was old enough to walk and hold a pole. I am currently a member of the Sitka F&G Advisory Committee, but I offer these comments as my personal opinion separate from those of the AC.

Proposals 133, 134, 135, 139, 307 & 308: These multiple proposals indicate that there is a widespread feeling that the current regulations governing charter/non-resident (i.e. sport fishing regulations) shellfish harvest are not working at this time. It is quite possible that this would not be an issue if the existing regulations were strictly enforced, however, I understand that the current budgets severely limit the reach of enforcement personnel. Given that, I urge the board to take action that addresses the non-compliance by passing regulations that are enforceable with less effort than those currently in place. Proposals 133 & 134 meet this criteria, (though 133 is arguably excessive). Proposal 135 (which I authored) could probably be improved in this regard if power pullers were prohibited on board a charter boat unless there were clients that were legally allowed to use them. Proposals 307 & 308 meet this enforceability criteria as well.

Proposals 137 & 138: These nearly identical proposals seem to be excessively heavy-handed way to address the recent exploitation of the blackcod stocks by the charter industry. A simpler and better solution would be to provide for a reasonable sport bag limit for blackcod and have the department keep an eye on any other non-traditional stocks that the may be targeted in the future. It is not necessary to preempt these as-of-yet-untapped fisheries with a bag limit for all un-named species, as the 3-year board cycle allows plenty of time for the board to address species of concern before excessive harvest occurs. This would be poor precedent and unduly restrictive. (If a charterfisherman wants to keep 30 starry flounder, is this really a problem?) Note that if while discussing proposals 296, 297 & 298, the board decides to prohibit electric reels, the bag limit for black cod is probably not necessary, as only the recent combination of electric reels and modern spectra fishing line has allowed fishermen an easy means to successfully target blackcod and other extremely deep water fish.

Proposals 164, 165, 166, 167 & 168: Current regulations do not allow for red king crab to be harvested under subsistence authority. The board should correct this mistake / oversight. Additionally, the personal use harvest in much of Southeast is open with a very generous (6/day) limit during years when there is sufficient crab to sustain a commercial fishery, but closed entirely when the stocks are not at a commercially harvestable level. The board ought to give the department the direction and authority to open the personal use (and subsistence) fisheries even when the harvestable population is not at a commercial threshold. A bag limit of 1, 2, 3, 4, 5 or 6 crab may well be in order in these situations.

COMMENT# 3

Proposals 169 & 170: These proposals attempt to address two perceived problems. The first being people legally scouting for red king crab in advance of the open season and the second being illegal poaching of king crab during the week or two leading up to the open season.

I see no problems with advance scouting. It has been fully legal in the past and is a time-honored tradition in hunting and fur trapping. Anyone that wants to spend the time and gas money to confirm that the crab are in the same area that they have always been in should feel free to do so. This is not a problem that needs to be fixed.

As for poaching, while getting pots out of the water for a week or two might reduce the poaching during that time frame, shifting the illegal harvest to other times of year is not much of a solution. In short, these proposals are unnecessary.

There is a gray area in the regulations regarding the practice of setting pots before the opening day of the king crab season and pulling the pot as soon as the season opens. If the board feels that this is a problem and wants to address it, I suggest that a better solution would be to specifically allow this practice and shorten the season by a few days to compensate for the additional fishing time.

Proposal 221: This is a poorly written proposal that worsens the problem that it claims to address. I urge the board to reject this proposal.

Proposal 222: This proposal addresses an important concern, but as written will likely have the unintended effect of concentrating the guided sports fishermen in the areas that remain open to chinook retention, and thus concentrating the chinook harvest into these area. It would be poor practice to focus fishing effort in the areas of lowest abundance (i.e. weakest stocks). Hence I urge the board to modify the proposal to only close the high chinook abundance areas to guided fishermen when the 48" minimum size limit is in effect. (I.e. when chinook retention is not an objective for these fishermen.)

Proposal 223: I support this proposal. Sportfishermen, like commercial trollers place a higher value on winter fish. (They taste better.) Anything that makes winter fishing more attractive will allow more of these high value fish to be taken. The board should note that this proposal may also (slightly) increase the by-catch of other species.

Proposal 224: While the stated intent of this proposal is to allow fuller non-resident participation in the Golden North Salmon Derby, the proposal goes well beyond this. To keep the intent of the original compromise that allowed this exception to the general 48" minimum size limit in the first place, the board should continue to limit the time period to 10 days (changing the specific days as the Territorial Sportsmen, Inc. changes the dates of the derby) rather than expand it to 25 days.

Proposals 286 & 287: These proposals address the loophole in the current regulations that permits frozen fish to be excluded from a fishermen's possession limit. I urge the board to adopt this, or some other *effective* means of closing this loophole. If the board considers the proposal too extreme, as an alternative, I suggest that the board consider a requirement that the fish still be fit for human consumption after 21 days. This would allowed canned, (but not frozen fish in a wet-loc box) to be excluded from the possession limit.

Proposal 290: I *very strongly* urge the board to *reject* this proposal for a several reasons. Firstly, the number of 36"+ steelhead harvested from systems outside of the 16 listed ones is very small both in absolute numbers and as a percentage of the population. Steelhead this large are rare even in the 16 most productive watersheds, but exceeding rare in the unlisted small streams. Furthermore, these fish are ones that could be harvested without adversely affecting the stock. Large fish tend to predominately be males, and furthermore they are nearing the end of their lifespan and have likely spawned several times already ensuring that their genes have been passed on.

While the likelihood of catching a fish large enough to keep is very small, the mere possibility is important to many steelheaders. (If only to be able to freely choose to release such a fish should they catch one.) Thus, by anointing a specific list of streams, this proposal would have the unintended consequence of greatly focusing fishing effort on the 16 drainages listed. These are systems with well-known run timing and as such, a fishermen can quickly learn how to fish them effectively. This focused effort will lead to increased catch and thus increased handling mortality in these systems. This will increase, not decrease the total Southeast steelhead mortality.

The current regulations spread the effort out to many small relatively undocumented streams that an angler has to study for several seasons before learning how/when to fish it effectively. (Since unlike the well-known systems, the fisherman isn't able to obtain run-timing or other information from department personnel or at the local sporting goods store.) Once this hard-earned knowledge has been gained, the fishermen has a great motivation to protect his secret from other fishermen and to protect the resource that makes the secret valuable. Proposal 290 reduces the protection that these small streams have by devaluing their secrets.

Historically, the Board of Fisheries has prudently decided against general area closures paired with specific open areas in favor of liberal general regulations and specific limitation on an as-needed basis. Again, I *most strongly* urge the board to continue this wise tradition and *reject this proposal*, choosing instead to close harvest on specific streams as the department sees the need to do so. (Proposal 317 is an example of a handful of streams that may need such protection.) The great majority of steelhead streams are so isolated and remote that very few fishermen (whether sport or subsistence) utilize them. Hence it is not necessary or prudent to further restrict harvest levels in these little-fished streams.



Proposals 296, 297 & 298: The uncertainty of whether or not electric reels are permissible sport tackle should be addressed by this board at this time. While electric reels don't seem very sporting to me, it is more important that the board make a clear and timely decision than exactly what that decision is. If the board decides to permit the general use of electric reels by able-bodied sport anglers, the board should also implement bag and possession limits for blackcod (see proposals 137 & 138) as electric reels and modern spectra fishing line have recently allowed fishermen to effectively target these fish and other deep water species.

Note that as written, proposal 297 would specify that a fishing rod has guides. There are now fishing rods on the market in which the line is threaded through the hollow blank and do not have traditional external guides. I see no reason to prohibit such a fishing pole, as the only advantage that it gives the fisherman is reduced tangling when several rigged rods are stored together.

Proposal 309: Please pass this proposal to give the guided sport fish industry an incentive to maximize the value of the resource that they already harvest rather than the current incentive to increase their harvest. This proposal will also give other users a predictable future share of the coho resource.

Proposals 311, 312 & 313: These similar proposals aim to make enforcement of existing regulations easier and less time-consuming for enforcement personnel. As enforcement budgets are quite limited, this is a step in the right direction. Uniform frequent enforcement helps to level the playing field between the guides that play by the rules and the competition that chooses not to.

Proposals 320 & 321: Both of these proposals seek to increase the value of the troll-caught chinook resource by increasing the number of fish caught during the time of year that the prices are typically higher. The board should implement these proposals which also permit a greater share of the chinook quota to be caught during the time of year when the highest percentage of Alaskan fishermen are fishing.

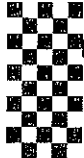
Proposals 325 & 326: These proposals seek to alter the coho troll season to coincide with the greatest abundance of the coho on the fishing grounds. I agree with the authors of these proposals that for reasons unknown, the coho run is later than in used to be. That said, other user groups would be unfairly shorted if the troll season was made longer as per proposal 325. On the other hand, it doesn't make sense to prohibit coho retention during the high-effort days of the July chinook opening as proposal 326 desires. I suggest a compromise where coho troll season would open concurrently with chinook season on July 1 (two weeks later than it currently does) and end on September 30 (also two weeks later than current) to maintain the same length of season and better align the troll fishery with the coho abundance.

Proposals 349, 350, 351 & 352: The research that I have seen on decompression devices indicates that they are worth using. The board should be supportive of these proposals in general, but should not require that the rockfish be released "at or near the bottom" as proposals 351 & 352 would. The research that I have seen indicates that the fish merely needs to be released deep enough that it continues down under it's own power. In most cases this would be less than 50' below the surface. There is no need to require that the fish be forced all the way to the bottom.

Thank you for considering my points of view.



Tad Fujioka



December 14, 2008

Attn: BOB COMMENTS  
Boards Support Section  
Alaska Dept. of Fish & Game  
PO Box 115521  
Juneau, AK - 99811-5521

From: LEALAND HAYBARKER  
PO Box 1000  
Ketchikan, AK - 99950-0280  
PH: 907-841-5228

RECEIVED

DEC 15 2008

BOARDS

To Whom it Concerns:

Since Finger Cove has been Open to Commercial Crabbing:

1. You can not get legal Hard Shell Crab. When Hard Shells ARE legal size, the crabbers are back to get them. IF they CRAB WHALE PASS - we won't have ANY. Finger Cove is AROUND the CORNER in WHALE PASSAGE. That was the only good place we had.
2. Myself and a few other people troll for Winter Kings in the bay. If the Crab Pots ARE in the bay, we can not.
3. What about the mail plane or ANY planes. Safety is an issue: with all the boys.
4. Skiffs do use the bay in the winter.
5. The bay is used for subsistence for some.

RECEIVED TIME DEC. 15. 12:19PM

COMMENT # 4



COMMENT# 4

e/e

Page 2

Thank you for your time,  
Deborah Haystack

of us in whale pass.  
There are people who live in whale  
pass - wear around.  
The dodges and neighbors - take to much  
What? Not!!

Gerald L. & Patricia L. Welch  
Whale Pass – PO Box WWP  
Ketchikan, AK 99950-0280  
Phone/FAX: 907-846-5333

16 December 2008

Alaska Fish and Game  
Board of Fisheries  
FAX: 907-465-6094  
ATTN: Board of Fisheries Comments

Gentlemen:

Whale Pass is a community of diverse people who appreciate and depend on subsistence hunting and fishing to meet their food requirements throughout the entire year. None are wealthy enough to send a local representative to Juneau so that our voice might be heard and our concerns aired before the Alaska Fish and Game Management, Board of Fisheries.

At the fore of our concerns is the possibility that commercial crab fishermen will, once again, be allowed to set their pots inside the Whale Pass Bay. It is my sincere hope that this letter, among others, might find favor as you deliberate this issue.

It is common for us of Whale Pass, to encounter such a great number of commercial crab pots at the very edge of the legal barrier leading into the bay, that it can only be described as a 'buoy blockade'. This kind of saturation fishing, to our thinking, is designed to be punitive toward the residents of Whale Pass by the commercial crabber. For anyone boating into or out of Whale Pass Bay, this blockade is a navigational hazard and threatens the safety of anyone forced into this barrier of lines and buoys. Please help us with this problem as this is unacceptable behavior toward the good people of Whale Pass.

Subsistence crab fishing is very important to all of us – especially those on fixed incomes, as many of us who came here 20 and 30 years ago, are now retired. We fish for crab year around and crab are a staple of our diet.

Commercial crabbers will take crab off our tables if allowed to fish within our bay. When commercial crabbing was allowed inside the bay in the past, all of the mature, legal crab were instantly taken by them very early in the year. That left only small, immature or female crab for our observation; but you can't subsist on a crab you can only look at. By the time these crab grew to maturity the next year, the commercial crabbers were back again to start the whole cycle over again – thus, the purpose of establishing 'the Whale Pass Bay closure to commercial crabbing' in the beginning.

The over-riding argument from our view of this situation is based on what is fair for us and what is fair for the commercial fishermen. We don't feel our request that 'the Whale Pass Bay



continue to be closed to the excesses of commercial crabbers' is unreasonable. The amount of access to our bay by residents of our community is truly minimal when you consider the vast areas legally open to commercial crabbing. We don't want to place unreasonable burdens on these working fishermen – we only want what is fair. Many of us have owned our own businesses; we have been productive in the market place. Our desire is to co-operate with the market place – but not to the extent that the rights of the 'Bush Alaskan' be overtaken by excess and greed.

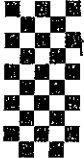
Thank you for reading this plea from long time Whale Pass residents, who are asking that our requests be received with the same consideration as a crabber from Seattle.

Sincerely,

Gerald L. Welch

Patricia L. Welch





AM : WELCH WELCHMAN

FAX NO. : 9078465333

Dec. 16 2008 06:52PM P1

RECEIVED TIME DEC. 16. 4:41PM Gerald L. & Patricia L. Welch  
e Pass - PO Box WWP

3/3

COMMENT# 5



IN REPLY REFER TO:

# United States Department of the Interior

## FISH AND WILDLIFE SERVICE

1011 E. Tudor Road  
Anchorage, Alaska 99503-6199



FWS/OSM/8117.BOF SESHELL

DEC 11 2008

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Mr. John Jensen, Chair  
Alaska Board of Fisheries  
Alaska Department of Fish and Game  
P.O. Box 25526  
Juneau, Alaska 99802-5526

Dear Chair Jensen:

The Alaska Board of Fisheries will deliberate 2008/2009 regulatory proposals that address Southeast Alaska and Yakutat crab, shrimp, and miscellaneous shellfish commercial, sport, and subsistence fisheries beginning January 21, 2009. We understand that the Board will be considering approximately 65 proposals at this meeting.

The USFWS, Office of Subsistence Management, working with other Federal agencies, has reviewed these proposals and do not believe that adoption of any of these proposals will have an impact on Federal subsistence users and fisheries. We may wish to comment on specific proposals if issues arise during the meeting which may have an impact on Federal subsistence users and fisheries.

We appreciate the opportunity to comment on these important regulatory matters and look forward to working with your Board and the Alaska Department of Fish and Game on these issues.

Sincerely,

Peter J. Probasco  
Assistant Regional Director

cc: Denby S. Lloyd, ADF&G  
Michael Fleagle, Chair FSB  
John Hilsinger, ADF&G, Anchorage  
Craig Fleener, ADF&G, Juneau  
Charles Swanton, ADF&G, Juneau

Tina Cuning, ADF&G, Anchorage  
Nancy Hendrickson, ADF&G, Anchorage  
George Pappas, ADF&G, Anchorage  
Jim Marcotte, ADF&G, Juneau  
Interagency Staff Committee

TAKE PRIDE  
IN AMERICA

1/1

COMMENT# 6

Whale Pass  
PO Box WWP  
Ketchikan, AK 99950-0280  
December 15, 2008

RECEIVED  
M. L. BOB  
BOARD

AK Dept. of Fish & Game  
PO Box 115526  
Juneau, AK 98211-5526  
Attn: BOF  
Board Support Section

Re. Opening Whale Pass to commercial crabbing


To whom it may concern

Reopening Whale Pass to commercial crabbing wouldn't be in the best interest of either the commercial crab fishers or the local non-commercial crabbers. The last time the area now closed to commercial crabbing was open the crabber took all the crab and there were no legal crab to be caught for three years. Crabbing has been satisfactory since the crab recovered. The area closed to commercial crabbing has also provided a nursery and breeding ground for adjacent areas.

I think it would be wise to extend the closed area to Finger Cove just northeast of town.. This would provide additional breeding ground and should improve crabbing in the area.

Please consider enlarging the closed area. Do not open the area close to town.

Very truly yours

  
William L. Baumgartner  
Whalepassfire@starband.net

# F/V Chatham

Box 2118 Wrangell, Alaska 99929

Ph & Fax 907-874-2245

E-Mail [suijuris1@gci.net](mailto:suijuris1@gci.net)

Cell. 907-305-0992

Jan 10 09

ADFG  
Board of proposals

I made copies for everyone as I would like each board member to see the pictures of the charter boats from Coffman Cove picking my crab gear; I have also enclosed letters I have collected from folks that also oppose # 157

Thank you Ron Opheim



July 26, 2008

To: Alaska Board of Fisheries  
c/o Jim Marcotte, Executive Director  
Alaska Department of Fish and Game

From: Stephen B. Mathews

I am writing in opposition to Proposal 157 submitted by Bryce R. Brucker for the next SE Region Fish Board meeting.

This proposal is completely without merit – any biological, allocation, or common sense purpose. It is, I believe, a vendetta by four or five commercial (sport charter) fishermen who were indicted and I believe convicted for stealing crab from the pots of a commercial (traditional) crab fisherman who had fished these waters for decades, and giving these stolen crab to their charter clients.

I can't believe that these four or five commercial boat skippers actually found one of their own (Mr. Brucker) naïve enough to put in this proposal. I strongly advised Mr. Brucker not to submit this nonsense proposal, but that I would support him with perhaps other, sensible proposals designed to minimize sport/commercial conflict in the Coffman Cove community. We do have to live together and ought to be able to sort this stuff out on a friendly basis.

The crab resource near Coffman Cove is plentiful for all. I put out one pot about 200 yards away from the dock and catch plenty of crab for my family to eat fresh and can for the winter regardless of whether there is a commercial season open. Coffman Cove, Barnes Lake, and the entire east shore of Clarence Strait south of Coffman Cove and all the way to Thorne Bay or maybe even Ketchikan, is not usually fished at all by traditional commercial crab fishermen. To say that the "the community of Coffman Cove and surrounding residence will remain unable to subsistence fish and catch any legal size Dungeness crab" is not true in any sense and Mr. Brucker and the other charter fishermen know that. I could put a crab pot right in the middle of the commercial pots in the area they want for their exclusive use and get all the crab I could eat. These commercial pots would not be there unless they were yielding a respectable catch per pot.

I appreciate the Board listening to my opinion. Thank you.



Stephen B. Mathews,  
Owner/operator, salmon gillnetter, F/V Pillar Point  
P.O. Box 18186  
Coffman Cove, AK 99918  
(907)329-2139

July 28-08

Dear Board of fish

Hi my name is Clayton Smalley and I am opposed to proposal #157. I have lived in Lake Bay and Coffman Cove country since 1972. I have watched the crab cycle over the years and the population and the fishing pressure. And catching a crab to eat has never been a problem.

The one thing I know is #157 was brought about by a charter boat owner and operator. So it sounds like he wants to run the commercial fleet out of the area so he or they can have it to themselves. I don't believe that is ~~the~~ right. If it is shut down to the commercial crabbers it should be closed to the commercial charter boats as well.

Clayton Smalley

Clayton Smalley  
PO Box 18023  
Coffman Cove AK

907-329-2276 99918

PS I believe there is room for everyone.

COMMENT# 8



September 21, 2008

Jim Marcotte, Executive Director  
Alaska Board of Fisheries  
Alaska Department of Fish and Game  
P.O. Box 115526  
Juneau, Alaska 99811-5526

Regarding: Opposition of proposal 157

To: The Members of  
Alaska Board of Fisheries & Alaska Department of Fish & Game

From: Arlen Weber  
Coffman Cove, Alaska

I strongly oppose proposal #157. This proposal will hurt the commercial crab fleet.

This proposal will help the charter boat fleet, that have been setting and pulling pots, that are not always theirs so they can have crab for their clients and lodges, which is highly illegal but has been going on in the Coffman Cove area for quite some time.

Bryce Brucker was caught pulling commercial crab pots and had to pay fines. He is only trying to get revenge with this proposal 157 that he is trying to get passed. There is more than enough crab for everyone.

The only people that are hurting the crab population are the sport fisherman, mainly non-residences who are only here during the summer months and they take over the limit, undersized and female crabs.

The commercial fishing fleet don't take undersized or female crab, they have no use for them and are smart enough not to shoot themselves in their foot.

4/18

COMMENT# 8

How would the charter boat fleet like to have halibut fishing taken away from them for the month of July???

The charter boats should only be able to take crabs if their clients bait, set and pull their own pots and those pots must be marked with their name and license number. These pots can be furnished by the charter boats or rented.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Arlen Weber', with a long horizontal flourish extending to the right.

Arlen Weber  
P.O. Box 18125  
Coffman Cove, Alaska 99918

September 21, 2008

Jim Marcotte, Executive Director  
Alaska Board of Fisheries  
Alaska Department of Fish and Game  
P.O. Box 115526  
Juneau, Alaska 99811-5526

Regarding: Opposition of proposal 157

To: The Members of  
Alaska Board of Fisheries & Alaska Department of Fish & Game

From: Dan Smith  
Coffman Cove, Alaska

I oppose the proposal being introduced by Bryce Brucker as # 157.

One only has to read between the lines on this. Bryce Brucker was caught, convicted, paid fines and restitution to the commercial fisherman who's crab pots he was pulling and stealing the crab so that his charter boat clients would benefit.

If this proposal was passed it would be his way of having the State get back at the person that busted him.


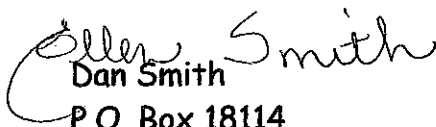
It would also leave more crab for the charter fleet to take for their clients and the lodges which is illegal but has been going on for a long time.

There is more than enough crab for the legal sport fisherman here in Coffman Cove all year round by fishing a little smarter and harder.

I would suggest charter boats can only take crab if their clients bait, set and pull their own pots, which should be identified according to regulation.

Thank you for your consideration.

Sincerely,

  
  
Dan Smith  
P.O. Box 18114  
Coffman Cove, Alaska 99918

COMMENT# 8

# F/V Chatham

Box 2118 Wrangell, Alaska 99929

Ph & Fax 907-874-2245

E-Mail [suijuris1@gci.net](mailto:suijuris1@gci.net)

Cell. 907-305-0992

Dec 29 08

ADFG  
Board of Fish Comments  
Box 115526  
Juneau, AK 99811

RE: Proposal 157

Dear Board members,

I am a commercial crab fisherman & I am **opposed** to proposal 157! first I am opposed to it on its intent (close Coffman cove / Lake bay / Barns lake) & secondly I am opposed to it based on its wording! "if you close the fishery North & West of the proposed line???" Well that don't work!! I have fished in & around the waters of Lake Bay & Barns Lake for the past 40+ years I remember when there was no logging camp in Coffman Cove, I also remember when there was no crab in Lake Bay or Barns Lake!

I view this proposal by Bryce Brucker as nothing more than a personal attack on me the commercial guy that in 2006 caught 75% of the cove's charter fleet picking my pots to feed their clients. They were not only picking my pots with paying clients on board they were also picking their own personal use pots with paying clients on board! The latter of which is still going on (I have photos to prove it)

Out of respect for the personal use folks of Coffman Cove I do not fish in or around the cove, as for the health/strength of the local stock in this area? It seems normal! (What I mean by that is its not different then what we are seeing in the rest of SE & that has been a decline in the last few years)

Attached are a few photos of the charter folks picking my gear in 2006.

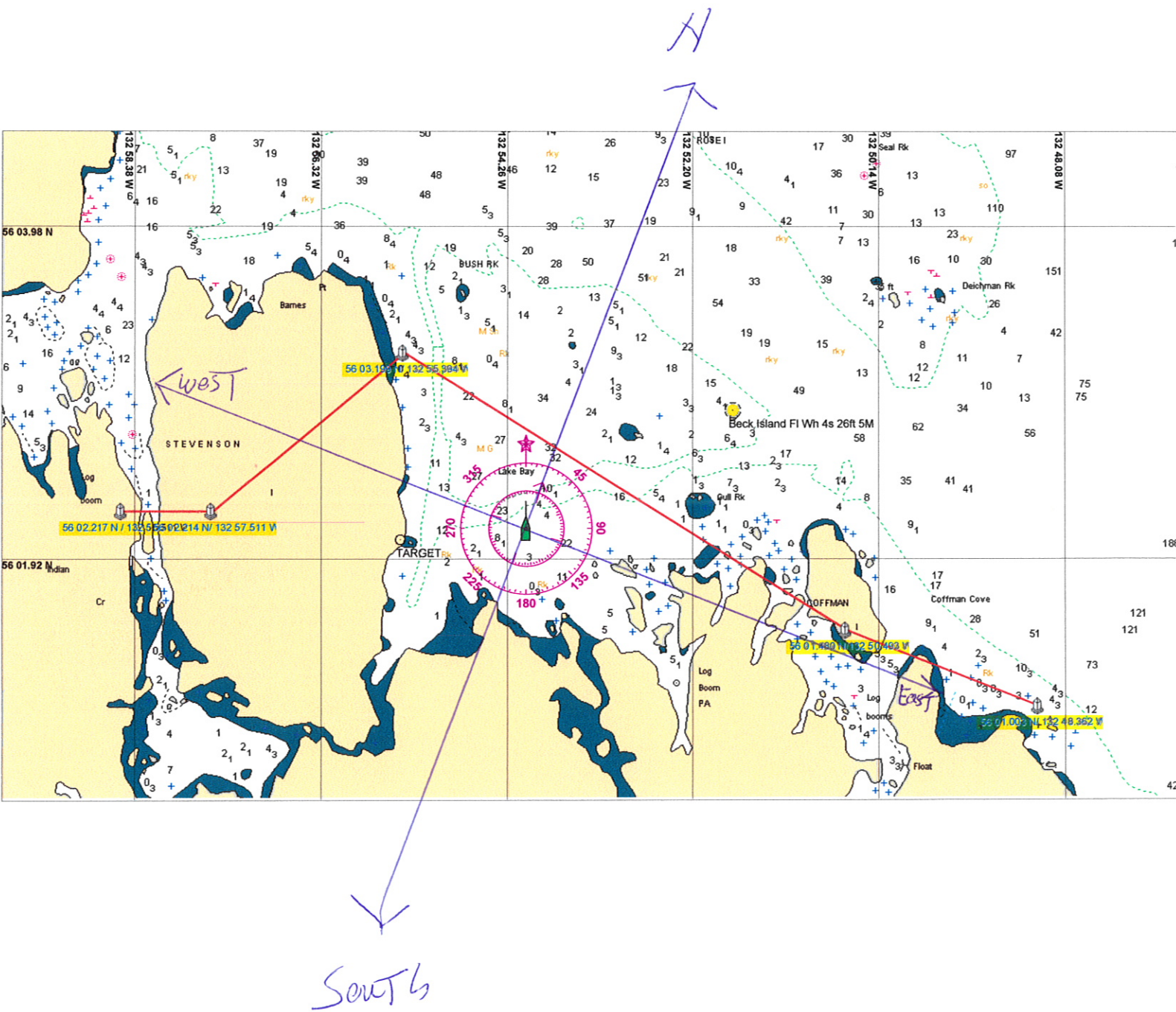
Sincerely

  
Ron Opheim

COMMENT#

8

8/18





**WHAT WILL HAPPEN IF NOTHING IS DONE?** A very productive area for the commercial fleet will remain closed to us for the benefit of an equivalent commercial user of the resource in the form of a lodge and charter clients.

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

**WHO IS LIKELY TO BENEFIT?** Commercial fishermen will be able to use an area that they previously had access to.

**WHO IS LIKELY TO SUFFER?** The lodges and their clients that are the only ones using the area other than a few transient people.

**OTHER SOLUTIONS CONSIDERED?** Closing the area to sport fishermen and leaving it open for personal use only. Since many of the workers of the lodge are Alaskan residents they would just put their name on the pot continuing to defeat the purpose of the regulation to provide an area for the Angoon residents only.

**PROPOSED BY:** Pete Roddy; and by Southeast Alaska Fishermen's Alliance  
(HQ-08F-104), (HQ-08F-268)

\*\*\*\*\*  
\*\*\*\*\*

**PROPOSAL 157 - 5 AAC 32.150. Closed waters in Registration Area A.** Closed waters near Coffman Cove to commercial Dungeness crab fishing during summer months as follows:

From June 1 – September 1 the waters of Coffman Cove, Lake Bay and Barns Lake are closed to Commercial Dungeness Crab fishing. Waters North and West of a line extending from Coffman Point 56°01'00.37"N lat., 132°48'36.21"W long. To Coffman Island 56°01'48.06"N lat., 132°50'49.31"W to Stevenson Island 56°03'19.90"N lat. 132°55'39.40"W long to the line west of Stevenson Island 56°02'21.45"N lat., 132°57'51.14"W long to Prince of Wales Island Indian Creed 56°02'21.77"N lat., 132°58'51.14"W long.

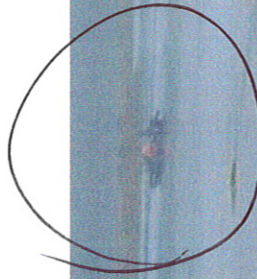
**ISSUE:** Open waters in Registration Area A for commercial Dungeness crab fishing near the community of Coffman Cove, Alaska.

**WHAT WILL HAPPEN IF NOTHING IS DONE?** The community of Coffman Cove and surrounding residence will remain unable to subsistence fish and catch any legal size Dungeness crab.

**WILL THE QUALITY OF THE RESOURCE HARVESTED OR PRODUCTS PRODUCED BE IMPROVED?** Yes it will slow the harvest level of Dungeness crab in this area for the summer months and would produce a better harvest for commercial harvest in the fall season.



2006 Doug Wilhites skiff stealing crab from me  
I was unable to take this to court because I could not prove  
who was in the skiff, everyone was dressed in raingear.





2006 Johnny Rodriguez stealing crab from me  
with clients on board  
See attached court case

12/18

COMMENT

8



<b>Location:</b> Craig	<b>Name:</b> RODRIGUEZ, JOHNATHAN, V
<b>DOB:</b> 04/30/1973	<b>Case #:</b> 1CR-06-00242CR
<b>Case Type:</b> State	<b>Case Title:</b> ST V RODRIGUEZ, JOHNATHAN
<b>Attorney 1:</b> KEENE, HENRY CLAY	<b>Date Filed:</b> 09/21/2006
<b>Attorney 2:</b> KEENE	<b>Type Person:</b> Defendant
<b>Criminal - Offense:</b> INTERFERE W CRAB POT	<b>Criminal - Statute:</b> AS16.10.055
<b>Criminal - Dispo:</b> No Contest Plea	<b>Criminal - Date Dispo:</b> 10/12/2006
<b>Criminal - Felony/Misdemeanor:</b> Misdemeanor	<b>Criminal - SIS Date Dispo:</b>

Individual Result - RODRIGUEZ, JOHNATHAN, V

Page 1 of 1

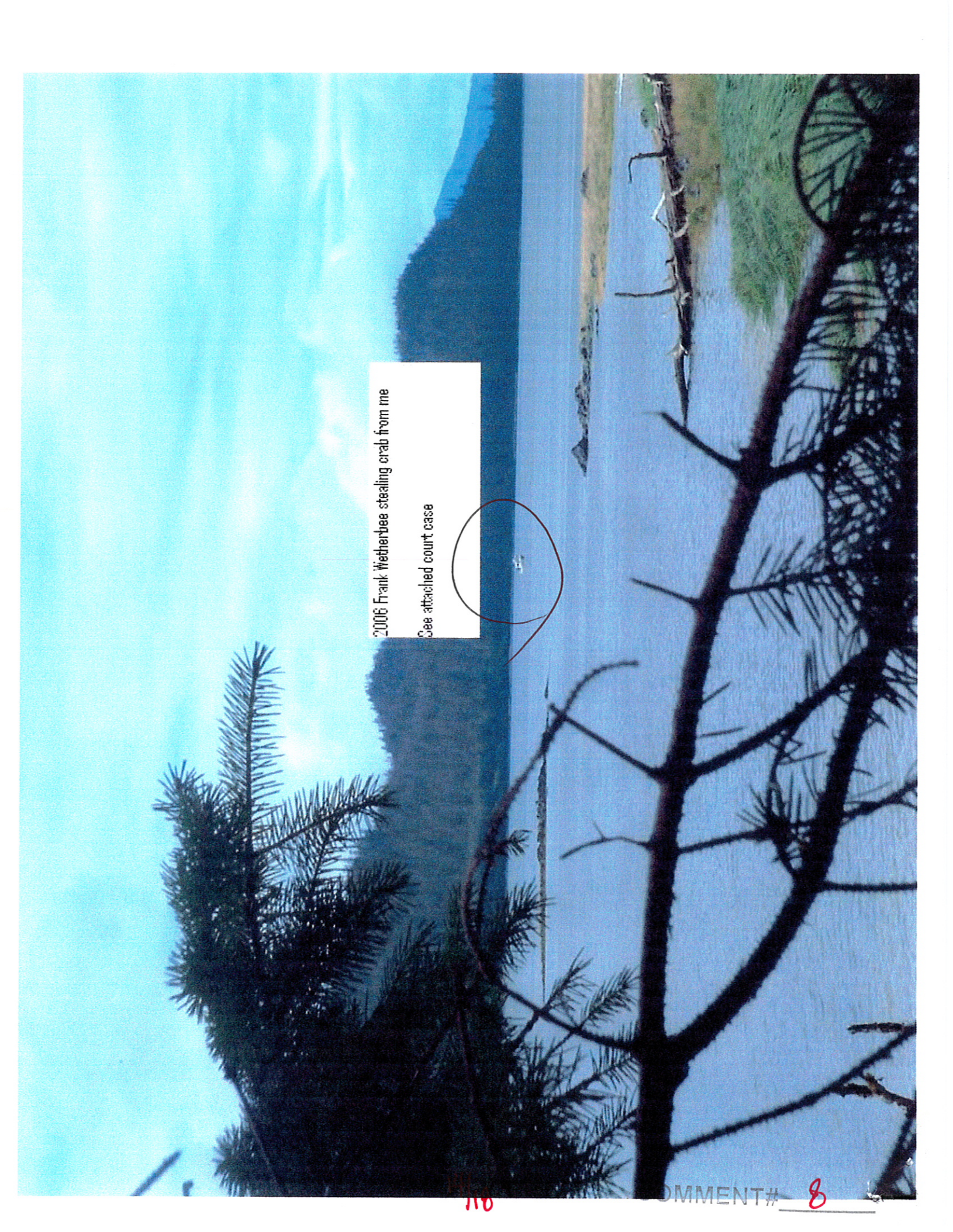
<b>Location:</b> Craig	<b>Name:</b> RODRIGUEZ, JOHNATHAN, V
<b>DOB:</b> 04/30/1973	<b>Case #:</b> 1CR-07-00312CR
<b>Case Type:</b> State	<b>Case Title:</b> ST V RODRIGUEZ, JOHNATHAN
<b>Attorney 1:</b> KEENE, HENRY CLAY	<b>Date Filed:</b> 12/06/2007
<b>Attorney 2:</b> KEENE	<b>Type Person:</b> Defendant
<b>Criminal - Offense:</b> LOG BOOK VIOLATION	<b>Criminal - Statute:</b> AS16.40.280(B)
<b>Criminal - Dispo:</b>	<b>Criminal - Date Dispo:</b>
<b>Criminal - Felony/Misdemeanor:</b> Misdemeanor	<b>Criminal - SIS Date Dispo:</b>

Individual Result - RODRIGUEZ, JOHNATHAN, V

Page 1 of 1

<b>Location:</b> Craig	<b>Name:</b> RODRIGUEZ, JOHNATHAN, V
<b>DOB:</b> 04/30/1973	<b>Case #:</b> 1CR-07-00312CR
<b>Case Type:</b> State	<b>Case Title:</b> ST V RODRIGUEZ, JOHNATHAN
<b>Attorney 1:</b> KEENE, HENRY CLAY	<b>Date Filed:</b> 12/06/2007
<b>Attorney 2:</b> KEENE	<b>Type Person:</b> Defendant
<b>Criminal - Offense:</b> FISH GUIDE VIOLATION	<b>Criminal - Statute:</b> AS16.40.270(F)(1)
<b>Criminal - Dispo:</b>	<b>Criminal - Date Dispo:</b>
<b>Criminal - Felony/Misdemeanor:</b> Misdemeanor	<b>Criminal - SIS Date Dispo:</b>





2006 Frank Wetherbee stealing crab from me

See attached court case



<b>Location:</b> Craig	<b>Name:</b> WETHERBEE, FRANK, J
<b>DOB:</b> 08/13/1950	<b>Case #:</b> 1CR-06-00241CR
<b>Case Type:</b> State	<b>Case Title:</b> ST V WETHERBEE, FRANK
<b>Attorney 1:</b> DA	<b>Date Filed:</b> 09/21/2006
<b>Attorney 2:</b> PRO PER	<b>Type Person:</b> Defendant
<b>Criminal - Offense:</b> INTERFERE W CRAB POT	<b>Criminal - Statute:</b> AS16.10.055
<b>Criminal - Dispo:</b> No Contest Plea	<b>Criminal - Date Dispo:</b> 09/28/2006
<b>Criminal - Felony/Misdemeanor:</b> Misdemeanor	<b>Criminal - SIS Date Dispo:</b>

Individual Result - WETHERBEE, FRANK, J

Page 1 of 1

<b>Location:</b> Craig	<b>Name:</b> WETHERBEE, FRANK, J
<b>DOB:</b> 08/13/1950	<b>Case #:</b> 1CR-01-00229CR
<b>Case Type:</b> State	<b>Case Title:</b> ST V WETHERBEE, FRANK
<b>Attorney 1:</b> DA	<b>Date Filed:</b> 08/20/2001
<b>Attorney 2:</b> PRO PER	<b>Type Person:</b> Defendant
<b>Criminal - Offense:</b> OVRLMT LINES- CHARTER	<b>Criminal - Statute:</b> 5AAC47.030(G)
<b>Criminal - Dispo:</b> No Contest Plea	<b>Criminal - Date Dispo:</b> 08/20/2001
<b>Criminal - Felony/Misdemeanor:</b> Violation	<b>Criminal - SIS Date Dispo:</b>



2006 Bryce Brucker stealing crab from my pots  
with clients on board.

*See Attached Court  
case*



<b>Location:</b> Craig	<b>Name:</b> BRUCKER, BRYCE, R
<b>DOB:</b> 09/17/1963	<b>Case #:</b> 1CR-06-00218CR
<b>Case Type:</b> State	<b>Case Title:</b> ST V BRUCKER, BRYCE
<b>Attorney 1:</b> DA	<b>Date Filed:</b> 09/01/2006
<b>Attorney 2:</b> PRO PER	<b>Type Person:</b> Defendant
<b>Criminal - Offense:</b> INTERFERE COMM GEAR	<b>Criminal - Statute:</b> AS16.10.055
<b>Criminal - Dispo:</b> No Contest Plea	<b>Criminal - Date Dispo:</b> 10/05/2006
<b>Criminal - Felony/Misdemeanor:</b> Violation	<b>Criminal - SIS Date Dispo:</b>

<b>Location:</b> Craig	<b>Name:</b> BRUCKER, BRYCE, R
<b>DOB:</b> 09/17/1963	<b>Case #:</b> 1CR-04-00163CR
<b>Case Type:</b> State	<b>Case Title:</b> ST V BRUCKER, BRYCE
<b>Attorney 1:</b> DA	<b>Date Filed:</b> 08/25/2004
<b>Attorney 2:</b> PRO PER	<b>Type Person:</b> Defendant
<b>Criminal - Offense:</b> CRIM TRESPASS-2ND	<b>Criminal - Statute:</b> AS11.46.330(A)(1) (Criminal Trespass In The Second Degree)
<b>Criminal - Dispo:</b> Dismiss	<b>Criminal - Date Dispo:</b> 08/26/2004
<b>Criminal - Felony/Misdemeanor:</b> Misdemeanor	<b>Criminal - SIS Date Dispo:</b>

<b>Location:</b> Craig	<b>Name:</b> BRUCKER, BRYCE, R
<b>DOB:</b> 09/17/1963	<b>Case #:</b> 1CR-04-00163CR
<b>Case Type:</b> State	<b>Case Title:</b> ST V BRUCKER, BRYCE
<b>Attorney 1:</b> DA	<b>Date Filed:</b> 08/25/2004
<b>Attorney 2:</b> PRO PER	<b>Type Person:</b> Defendant
<b>Criminal - Offense:</b> DISORDERLY CONDUCT	<b>Criminal - Statute:</b> AS11.61.110(A)(5) (Disorderly Conduct)
<b>Criminal - Dispo:</b> No Contest Plea	<b>Criminal - Date Dispo:</b> 08/26/2004
<b>Criminal - Felony/Misdemeanor:</b> Misdemeanor	<b>Criminal - SIS Date Dispo:</b>

<b>Location:</b> Craig	<b>Name:</b> BRUCKER, BRYCE, R
<b>DOB:</b> 09/17/1963	<b>Case #:</b> 1CR-04-00163CR
<b>Case Type:</b> State	<b>Case Title:</b> ST V BRUCKER, BRYCE
<b>Attorney 1:</b> DA	<b>Date Filed:</b> 08/25/2004
<b>Attorney 2:</b> PRO PER	<b>Type Person:</b> Defendant
<b>Criminal - Offense:</b> ASSAULT-4TH DEGREE	<b>Criminal - Statute:</b> AS11.41.230(A)(3) (Assault In The Fourth Degree)
<b>Criminal - Dispo:</b> No Contest Plea	<b>Criminal - Date Dispo:</b> 08/26/2004
<b>Criminal - Felony/Misdemeanor:</b> Misdemeanor	<b>Criminal - SIS Date Dispo:</b>

17/19

COMMENT #

8



July, 2008 Bruce Brudner picking his personal use gear with clients on board

#1

18/18

COMMENT# 8



RECEIVED

JAN 02 2009

BOARDS

Dear Board Members:

I would like my comments on two proposals (#148 and #153) to be considered. I propose these two changes to the regulations after careful consideration. Also I would ask that you consider the fact that after 43 years of commercial crab fishing in Southeast, Alaska I am well into the "autumn" of my fishing career, this fact and my experience I hope will give added credibility to these comments as I have little to gain on any action regarding future regulations.

Also please consider that I would not support Proposals #184 and #185 for the mentioned reasons.

Thank you for your consideration



Dick Gregg (F/V Sunrise)

SENT#

9

RECEIVED TIME JAN. 2. 2:21PM 1/2

PRINT TIME JAN. 2. 2:24PM

RECEIVED  
JAN 02 2009  
BOARDS

## Proposal #153

When limited entry for Southeast dungeons was adopted there were nearly twice as many pots authorized to fish as had ever historically been allowed.

After a year or two the Board of Fish decided to allow two or more fisherman that held tiered permits to partner up and fish up to 300 pots from one vessel. The intent being to reduce the amount of effort (boats) on the grounds. However, the result has been to expand effort because a lot of the smaller tiered permit holders had no boat or their boat was smaller and less effective.

So rather than decrease the effort overall the stacking provision dramatically increased effort. It's hard to tell just how much the overall effort increased but the best estimates are between 25 and 40%.

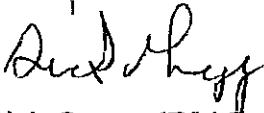
Aside from increasing effort when the Board wanted to decrease the effort the stacking provision is grossly abused. I personally know of people that were licensed to fish that rarely or never went out on the vessel they were authorized to fish on. This regulation should be recognized as unenforceable and repealed.

## Proposal #184 and #185

It's clear after seeing the increased effort on the Dungeness crab fishery because of stacking permits that this tactic is counterproductive and only adds pressure on the resource.

It also tends to drive the smaller boat operations either out of business or forces them to larger vessels, this changing the harvest dynamics of the fishery.

Most importantly any stacking scheme brings out the "ghost" permits, (permits held but not fished) and only adds to the pressure of fully utilized resources.



Dick Gregg (F/V Sunrise)

COMMENT# 9

RECEIVED TIME JAN. 2. 2:21PM

2/3

PRINT TIME JAN. 2. 2:24PM

RECEIVED  
JAN 02 2009  
BOARDS

## Proposal #148

I am alarmed by some of the negative things that are occurring in this fishery because of the timing of the current commercial fisheries.

I believe based on my observations of millions of Dungeness crab in hundreds of thousands of pots over the last 40 plus years that the most optimum time to conduct our commercial harvest is July, August, September and October.

Generally this is when the male crab is in the best condition and we would minimize the handling of female crab with open egg clutches.

We now have a split season with 6 weeks closed in August and September. This is supposed to reduce handling during the breeding season.

When we used to have no closed season it was clear that the majority of the breeding occurred in April, May and June, by fishing July through October we would avoid disturbing breeding pairs.

Every year about the last week in October we start seeing females with fully opened egg clutches and by mid-November it's the general condition of most of the females. We must stop fishing during November and later as damage to these spawning females is unavoidable.

Now the season starts June 15. Generally the male crab are much lighter and dead loss associated with handling is higher, and the fact that at least two major buyers are accepting soft or light crab results in a much lower price. By waiting until July to start fishing we would see a much higher quality of crab.

The way the current season is conducted (June 15 through August 15 and October 1st through December 1st) was designed to accommodate salmon fisherman that also fish crab. Typically many salmon fishermen will crab for two or three weeks at the beginning of the summer season and then switch to salmon. By having a 6 week closure salmon fisherman can fish after salmon season is over and still enjoy a build up of crab in the fall.

I also am a salmon fisherman and hold three different permits, however I believe it's irresponsible to continue managing the Dungeness crab fishery for the financial benefit of some of the participants while doing great harm to the Dungeness resource.

COMMENT# 9

RECEIVED TIME JAN. 2. 2:21PM

3/3

PRINT TIME JAN. 2. 2:24PM

Richard Erickson  
P. O. Box WWP  
Ketchikan, AK 99950

January 5, 2008

Boards Support Section  
Attn: BOF Comments  
Alaska Dept. of Fish & Game  
P. O. Box 115526  
Juneau, AK 99811-5526

RECEIVED  
JAN 05 2009  
BOF

Re: Proposition 155

I am opposed to Proposition 155 insofar as it applies to the Whale Pass area.

There is no persuasive argument for this commercially closed area to be opened in the immediate community area of Whale Pass. The community is highly subsistence-based and needs a viable crab population to meet it's needs.

During commercial crabbing, you can see the solid line of pots at the demarcation line in the bay set to catch every crab's movement out of the protected area. The protected area is too small to support commercial crabbing of any scale, which is witnessed by the scant number of crab caught by personal use pots prior to the closing of the area compared to the decent number now available. Why come back in another 3 or 6 years in an effort to close the area again because the male crab population has been decimated, the situation Naukati Bay is now in (Prop. 159)?

How many commercial crabbers benefit to the detriment of how many residents of Whale Pass? What is the total water area open to commercial crabbing compared with this closed area?

My objections stand until I can study data that shows that commercial crabbing will not have a detrimental effect on the existing crab population and community use of this area.

Respectfully,



Richard Erickson  
907-846-5321 (Whale Pass year round)

COMMENT# 10

41  
RECEIVED TIME JAN. 5. 12:29PM

PRINT TIME JAN. 5. 12:31PM

P.O. Box WWP – Whale Pass  
Ketchikan, AK 99950-0280

Dec 28, 2008

ATTN: BOF Comments  
Boards Support Section  
Alaska Department of Fish and Game  
P.O. Box 115526  
Juneau, AK 99811-5526

RECEIVED  
JAN 05 2009  
BOARD

RE: Proposition 155

I strongly oppose the passage of Proposition 155. Specifically the section titled "Issue: Open commercial Dungeness crab fishing in the fall season in the Whales pass closure area. The conflict with summertime resident of the Whales Pass area does not occur in the fall fishery, as by then the summertime residents with small skiffs have left the area."

I oppose Proposition 155 for the following reasons:

The proponents of Proposition 155 offer no support for their misleading assertion that, by fall, "summertime residents with small skiffs have left the area." This assertion is nothing more than a supposition and is, of course, false. To our knowledge, no study has been made as to when "summertime" residents depart the area, nor what boats are owned by such persons.

- Whale Pass residents, as well as others from Prince of Wales island, rely on crab as a food source **year round**. The very small area of Whale Passage that is closed to commercial crab pots, allows the community residents to continue to supplement their food supply without boating long stretches to more unprotected waters in rough weather. (Many Whale Pass residents are seniors.) Notably, weather conditions in the fall are typically more adverse than in summer and is not suitable for small craft – for **safety** reasons, not simply comfort.
- Whale Pass is not just "summertime residents". It is a year round community! Residents without road access must boat to shore throughout the year. In the past, commercial crab pots strung throughout the bay have been a hazard for residents and visitors boating between their homes and the community dock. Particularly in the fall and winter, residents having no road access, are required to travel after dark. The saturation of commercial crab pots presents a safety hazard to such travel.
- The saturation of commercial crab pots throughout the bay is a hazard to float planes landing at the state float. As was noted when the Board of Fisheries closed the small area now sought to be opened, the float planes are not only the sole source for mail delivery to Whale Pass and the surrounding area, they provide non-road transportation and allow for medical evacuations from the area. In the past the mail plane has had difficulty navigating around the commercial pots' buoys and lines located in the landing area. The need for this safety zone has not decreased since the closure. We invite the Board to come and observe for itself how densely gathered the commercial pots are along the line dividing the closed area from the rest of the bay during the commercial seasons. The navigational difficulty is real, for boats and planes.

COMMENT# 11



- The area **not** closed to commercial crabbers (completely circling Thorne Island) has protected areas for larger boats. The commercial crabbers have more than adequate "commercial opportunity" in that area – less than 10% of Whale Passage was closed. If they are allowed to saturate the entire bay with crab pots, there will be no crab left for anyone. In the past, the commercial crab pots literally wiped out the crab population.
- None of the conditions justifying this limited closure five years ago have changed, with the single exception that the benefitting population has increased and subsistence needs have increased with the increasingly dismal economy of the area. There has been no evidence offered that commercial crabbing opportunities have been significantly impaired nor, as was argued by the commercial interests five years ago, that there has been a proliferation of similar closures around "all communities in Southeast Alaska."
- Finally, the proponents make no reference to their real concern which was discussed at length during negotiations of a compromise regarding the closure five years ago. We are once again left to wonder why the commercial fishermen attempt to take an unreasonable allocation of limited resources from the private individuals resident in the Whale Pass area when the real beef is with other competing commercial interests' lack of respect for the rules promulgated by the Board of Fisheries. Specifically, the beef is with the lodge operators and charter fishing groups who, according to the commercial crabbers, are not observing the commercial closure area. On this issue, we agree with the commercial crabbers – if lodges are violating established rules by harvesting crab for their customers while ignoring certain closures, such should be stopped. However, that is an enforcement issue which is not addressed by this proposal. This proposal is not the way to solve the allocation between competing commercial interests.

Sincerely,

*John J. E. Komp*  
*Lot 8 Block 9*

Carolyn M. Thomason  
P.O. Box WWP – Whale Pass  
Ketchikan, AK 99950-0280

RECEIVED  
JAN 05 2009

December 10, 2008

BOA-

ATTN: BOF Comments  
Boards Support Section  
Alaska Department of Fish and Game  
P.O. Box 115526  
Juneau, AK 99811-5526

RE: Proposition 155

I strongly oppose the passage of Proposition 155. Specifically the section titled “ Issue: Open commercial Dungeness crab fishing in the fall season in the Whales pass closure area. The conflict with summertime resident of the Whales Pass area does not occur in the fall fishery, as by then the summertime residents with small skiffs have left the area.”

I oppose Proposition 155 for the following reasons:

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- Whale Pass residents, as well as others from Prince of Wales island, rely on crab as a food source **year round**. The very small area of Whale Passage that is closed to commercial crab pots, allows the community residents to continue to supplement their food supply without boating long stretches to more unprotected waters in rough weather. (Many Whale Pass residents are seniors.) Notably, weather conditions in the fall are typically more adverse than in summer and is not suitable for small craft – for **safety** reasons, not simply comfort.
- Whale Pass is not just “summertime residents”. It is a year round community! Residents without road access must boat to shore throughout the year. In the past, commercial crab pots strung throughout the bay have been a hazard for residents and visitors boating between their homes and the community dock. Particularly in the fall and winter, residents having no road access, are required to travel after dark. The saturation of commercial crab pots presents a safety hazard to such travel.
- The saturation of commercial crab pots throughout the bay is a hazard to float planes landing at the state float. As was noted when the Board of Fisheries closed the small area now sought to be opened, the float planes are not only the sole source for mail delivery to Whale Pass and the surrounding area, they provide non-road transportation and allow for medical evacuations from the area. In the past the mail plane has had difficulty navigating around the commercial pots' buoys and lines located in the landing area. The need for this safety zone has not decreased since the closure. We invite the Board to come and observe for itself how densely gathered the commercial pots are along the line dividing the closed area from the rest of the bay during the commercial seasons. The navigational difficulty is real, for boats and planes.

COMMENT# 11

3/27

- The area **not** closed to commercial crabbers (completely circling Thorne Island) has protected areas for larger boats. The commercial crabbers have more than adequate “commercial opportunity” in that area – less than 10% of Whale Passage was closed. If they are allowed to saturate the entire bay with crab pots, there will be no crab left for anyone. In the past, the commercial crab pots literally wiped out the crab population.
- None of the conditions justifying this limited closure five years ago have changed, with the single exception that the benefitting population has increased and subsistence needs have increased with the increasingly dismal economy of the area. There has been no evidence offered that commercial crabbing opportunities have been significantly impaired nor, as was argued by the commercial interests five years ago, that there has been a proliferation of similar closures around “all communities in Southeast Alaska.”
- Finally, the proponents make no reference to their real concern which was discussed at length during negotiations of a compromise regarding the closure five years ago. We are once again left to wonder why the commercial fishermen attempt to take an unreasonable allocation of limited resources from the private individuals resident in the Whale Pass area when the real beef is with other competing commercial interests' lack of respect for the rules promulgated by the Board of Fisheries. Specifically, the beef is with the lodge operators and charter fishing groups who, according to the commercial crabbers, are not observing the commercial closure area. On this issue, we agree with the commercial crabbers – if lodges are violating established rules by harvesting crab for their customers while ignoring certain closures, such should be stopped. However, that is an enforcement issue which is not addressed by this proposal. This proposal is not the way to solve the allocation between competing commercial interests.

Sincerely,

*Carolyn M. Thomson*

4/27

COMMENT# 11

William L. Thomason  
P.O. Box WWP – Whale Pass  
Ketchikan, AK 99950-0280

RECEIVED  
JAN 05 2009  
BOAR...

December 10, 2008

ATTN: BOF Comments  
Boards Support Section  
Alaska Department of Fish and Game  
P.O. Box 115526  
Juneau, AK 99811-5526

RE: Proposition 155

I strongly oppose the passage of Proposition 155. Specifically the section titled “ Issue: Open commercial Dungeness crab fishing in the fall season in the Whales pass closure area. The conflict with summertime resident of the Whales Pass area does not occur in the fall fishery, as by then the summertime residents with small skiffs have left the area.”

I oppose Proposition 155 for the following reasons:

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COMMENT# 11

5/27

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Sincerely,

*William L. Thomas*

COMMENT# 11

6/27

P.O. Box WWP – Whale Pass  
Ketchikan, AK 99950-0280

Dec 28, 2008

RECEIVED  
JAN 05 2009  
BOARDS

ATTN: BOF Comments  
Boards Support Section  
Alaska Department of Fish and Game  
P.O. Box 115526  
Juneau, AK 99811-5526

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Sincerely,

*I have been in Whale Pass for eleven years; when I first came in 1997 it was near impossible to catch a few crabs in Whale Pass proper.*

*Since the commercial closure about five years ago, I can now expect to catch crabs in the bay.*

*I sincerely hope that the bay will not be reopened to commercial crabbing.*

*If the opening does occur, the one could expect from one hundred to two hundred pots to be dropped from the "Point" to the Whale Pass dock, an area of barely more than one half mile.*

8/27

*Frank Bamburg*  
907-846-5332

11  
MINUTES

P.O. Box WWP – Whale Pass  
Ketchikan, AK 99950-0280

RECEIVED  
JAN 15 2009  
BOARDS

, 2008

ATTN: BOF Comments  
Boards Support Section  
Alaska Department of Fish and Game  
P.O. Box 115526  
Juneau, AK 99811-5526

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Sincerely,

TERRY GIBBONS 846-5352  
I'M A FULL TIME RESIDENT

10/27

CONFIDENTIAL 11

THESE ARE NOT SUMMERTIME RESIDENTS AND THEY  
ALL HAVE 1 OR 2 BOATS (SKIERS)



# WHALE PASS

## A

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## T

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Or.....846-4112  
THOMPSON Johnny Whale Pass.....846-5207  
TOMLIN Pat & Laura.....846-5327

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VASSER JENNY.....846-5221  
VOELCKERS Steve.....846-5218

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WATSON Rick.....846-5225  
WELCH Gerald Whale Pass.....846-5333  
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WHITE Valery.....846-5355

## Z

ZIMINSKI Richard Craig.....846-5217

WHALE PASS

TERRY GIBBONS 846-5352 (CALL ME)

WE WOULD ALL BE AT THIS MEETING IF  
IT WAS HELD ON THE ISLAND

P.O. Box WWP – Whale Pass  
Ketchikan, AK 99950-0280

~~October 28~~, 2008

ATTN: BOF Comments  
Boards Support Section  
Alaska Department of Fish and Game  
P.O. Box 115526  
Juneau, AK 99811-5526

RECEIVED  
JAN 05 2009  
BOARDS

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COMMENTS 11

12/27

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Sincerely,

  
 WHALE PASS, AK  
 CHRISY CARDER  
 (907) 846-5203

P.O. Box WWP – Whale Pass  
Ketchikan, AK 99950-0280

December 28, 2008

ATTN: BOF Comments  
Boards Support Section  
Alaska Department of Fish and Game  
P.O. Box 115526  
Juneau, AK 99811-5526

RECEIVED  
JAN 05 2009  
BOARDS

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14/27

COMMENTARY

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Sincerely,

*Steve Loucks*

STEVE LOUCKS

PO Box 1000

KEETCHIKAN, AK 99950

(907) 846-5223

15/27

CONFIDENTIAL

11

Tyra Huestis  
Whale Pass Harbor Master  
Box WWP – Whale Pass  
Ketchikan, AK 99950-0280

RECEIVED  
JAN 05 2009  
BOARDS

December 28, 2008

ATTN: BOF Comments  
Boards Support Section  
Alaska Department of Fish and Game  
P.O. Box 115526  
Juneau, AK 99811-5526

RE: Proposition 155

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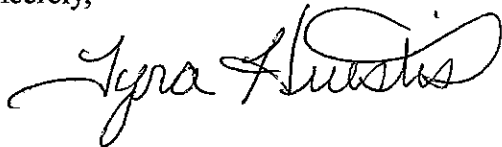
16/27

COMMENTS: 11

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Sincerely,





RECEIVED  
JAN 05 2009

SECRET

18/27

- The area **not** closed to commercial crabbers (completely circling Thorne Island) has protected areas for larger boats. The commercial crabbers have more than adequate "commercial opportunity" in that area – less than 10% of Whale Passage was closed. If they are allowed to saturate the entire bay with crab pots, there will be no crab left for anyone. In the past, the commercial crab pots literally wiped out the crab population.
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Sincerely,

*Fred Burruss*

*year round Resident of Whale Pass*

*Calvin Yerkey*

P.O. Box WWP – Whale Pass  
Ketchikan, AK 99950-0280

, 2008

ATTN: BOF Comments  
Boards Support Section  
Alaska Department of Fish and Game  
P.O. Box 115526  
Juneau, AK 99811-5526

RE: Proposition 155

I strongly oppose the passage of Proposition 155. Specifically the section titled “ Issue: Open commercial Dungeness crab fishing in the fall season in the Whales pass closure area. The conflict with summertime resident of the Whales Pass area does not occur in the fall fishery, as by then the summertime residents with small skiffs have left the area.”

I oppose Proposition 155 for the following reasons:

The proponents of Proposition 155 offer no support for their misleading assertion that, by fall, “summertime residents with small skiffs have left the area.” This assertion is nothing more than a supposition and is, of course, false. To our knowledge, no study has been made as to when “summertime” residents depart the area, nor what boats are owned by such persons.

- Whale Pass residents, as well as others from Prince of Wales island, rely on crab as a food source **year round**. The very small area of Whale Passage that is closed to commercial crab pots, allows the community residents to continue to supplement their food supply without boating long stretches to more unprotected waters in rough weather. (Many Whale Pass residents are seniors.) Notably, weather conditions in the fall are typically more adverse than in summer and is not suitable for small craft – for **safety** reasons, not simply comfort.
- Whale Pass is not just “summertime residents”. It is a year round community! Residents without road access must boat to shore throughout the year. In the past, commercial crab pots strung throughout the bay have been a hazard for residents and visitors boating between their homes and the community dock. Particularly in the fall and winter, residents having no road access, are required to travel after dark. The saturation of commercial crab pots presents a safety hazard to such travel.
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20/21

11

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Sincerely,

*DARY & Nicole Bull*  
*Year Around Residents*  
*of whale pass*

P.O. Box WWP – Whale Pass  
Ketchikan, AK 99950-0280

, 2008

ATTN: BOF Comments  
Boards Support Section  
Alaska Department of Fish and Game  
P.O. Box 115526  
Juneau, AK 99811-5526

RECEIVED  
JAN 05 2009  
BOARDS

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Sincerely,

*Patricia A. Haybarker*

23/27

CONFIDENTIAL 11



Michael Huestis  
Box WWP – Whale Pass  
Ketchikan, AK 99950-0280

December 28, 2008

ATTN: BOF Comments  
Boards Support Section  
Alaska Department of Fish and Game  
P.O. Box 115526  
Juneau, AK 99811-5526

RE: Proposition 155

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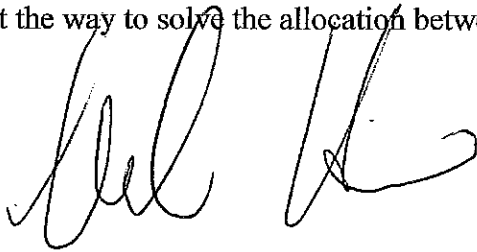
24/27

COMMENTS

11

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Sincerely,



25/27

COMMENTS 11

P.O. Box WWP – Whale Pass  
Ketchikan, AK 99950-0280

, 2008

ATTN: BOF Comments  
Boards Support Section  
Alaska Department of Fish and Game  
P.O. Box 115526  
Juneau, AK 99811-5526

RECEIVED  
JAN 08 2009  
BOARDS

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Sincerely,

*Greg D. Somers*

1-5-09

Mr. Dave Somerville  
F/V Motive  
706 Sandy Beach Road  
P. O. Box 163  
Petersburg, Alaska 99833  
907-772-4557 \* dtcsomer@gci.net

RECEIVED

JAN 06 2009

BOARDS

To: Board of Fish  
Re: Proposals 152 & 153 of the S.E. and Yakutat Shellfish Proposals.

### Opposed proposal 152, Dave Somerville

Opposed—Proposal 152. My family operation is based on the current laws and would suffer. I was out of town for the local advisory board meeting around Christmas. After learning they passed 152, I spoke to the state troopers on 12/30 /08. Permit holders hauling more than their legal limit of gear, occur with single permit boats, just as frequently. Lt. Todd Sharp of the Alaska State Troopers said, it was "equally enforceable, but difficult," to catch illegal activity.

We operate on the honor system. The fishermen who choose to fish illegally are few. Please don't make it an economic hardship on those families that have and will continue to fish by the rules.

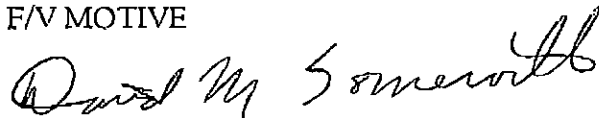
During these uncertain economic times, to expect many fishermen to buy another boat, or give up a job, so they can be on the dungy boat, whenever it leaves the dock, represents economic failure. Please vote no on proposal 152.

### Opposed proposal 153, Dave Somerville

I am also opposed to 153. Both 152 and 153 are merely a way for 300 pot permit holders to eliminate the competition. My comments on 152 also apply to 153. Economically smaller permit holders must fish closer to towns and concentrate their gear. When the smaller permit holders are able to stack, they can fish further from town, into areas that were only available to the larger permit holders. This proposal states that stacking "is unfair to the 300 pot permits holders as their level of effort is frozen." This type of statement makes the motivation of the writer clear, they are only concerned with maintaining their advantage over other fishermen. Please vote "No" on proposal 153.

Respectfully,

F/V MOTIVE



David M. Somerville  
Owner/Fisherman

COMMENT# 12

RECEIVED TIME JAN. 6. 3:39PM

Mrs. Tanya Somerville  
706 Sandy Beach Road  
P. O. Box 163  
Petersburg, Alaska 99833  
907-772-4557 \* dtcsomer@gci.net

RECEIVED  
JAN 06 2009  
BOARDS

To: Board of Fish  
Re: Proposals 152 & 153 of the S.E. and Yakutat Shellfish Proposals.

### Oppose Proposal 152

I am opposed to Proposal 152. This proposal is accusatory. It claims that the only likely fishermen to suffer are "Permit holders that haul more than their legal limits of pots." Our family has fished Dungeness crab since 1985. My husband has a 225 and I have a 75 pot permit. We have based our family income on the existing provisions for stacking. My husband goes out daily and works his gear. Our boat is a small one. I have a business. For me to have to go out every day would mean I couldn't run my business and that my son would spend 15 hours a day on a non-live aboard vessel, or be in the care of someone all summer.

The stacking provision makes it economically feasible for our family to fish my 75 pot permit. Depending on fishing, my son and I go out once or twice a week and run my gear and on those days, also help my husband haul some of his gear. We don't break the laws and we don't fish over our legal limit.

This proposal is biased, stating, "make it mandatory for all permits holders to be onboard the vessel when operating gear and in possession of Dungeness crab." Stacking permit holders would be required to be on the boat, while waiting to deliver, getting groceries, fueling up. It is not a requirement that non-stacking boats permit holders remain on the vessel while in possession of crab or gillnet fish.

This proposal was made because these fishermen think the current law has been broken. There are documented cases of non-stacking boats breaking the laws and hauling other permit holders gear. Don't make it an economic hardship to stack permits because someone has abused the system. There are current provisions for reporting someone who fishes illegally and the state trooper told us it was "equally enforceable."

We were out of town when this proposal was reviewed by the Petersburg Advisory Committee. Two, 300 pot permit holders made this proposal, one of which is on the Petersburg advisory committee. I don't know if there was anyone present to represent the opposing view.

Please vote "No" on Proposal 152.

### Oppose Proposal 153

I am opposed to proposal 153. This proposal was made by a 300 pot permit holder. 300 pot permit holders, the minority of permit holders, would benefit by making it impossible for smaller permits to combine and compete in areas further from town. Smaller permit holders already have a difficult time supporting themselves once a boat, fuel, bait are deducted from their catch. Smaller permit holders often fish closer to town and concentrate their efforts in a smaller area. The current stacking provision is a good one. It allows fishermen to combine their efforts and to build their business and distributes fishing efforts further from town.

Please vote "No" on Proposal 153.

Sincerely,

  
Tanya Somerville

COMMENT# 13



Josiah Huestis  
Box WWP – Whale Pass  
Ketchikan, AK 99950-0280

December 28, 2008

ATTN: BOF Comments  
Boards Support Section  
Alaska Department of Fish and Game  
P.O. Box 115526  
Juneau, AK 99811-5526

RECEIVED  
JAN 07 2009

RE: Proposition 155

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1/2

COMMENT# 14

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Sincerely,

*Linda Huesing*

RECEIVED  
JAN 07 2009  
BO-FCB

**Proposal #180 / Elimination of square pots from the SE AK Golden King Crab fishery**

Alaska Dept. of Fish and Game Board Members  
and Board Meeting Attendees,

Due to a scheduling conflict, I will be unable to attend the ADF&G board meetings. So I'm putting my thoughts about the proposal that I submitted in writing, I have also included a list of signatures from people who agree with the need to accept that proposal.

First of all, I believe that square pots should have been eliminated a long time ago, but it's better late than never. I do know that the percentage of square pots to cone type pots being fished now is low. But regardless of how many, it's currently legal to fish them and people continue to use them. Square pots have been proven time and again to catch and kill halibut. In fact, in the past, many people have used them because they were "self baiting". At a time when we're trying to stabilize our halibut populations, and find some way to provide stocks for all fishermen, it just makes sense that we do everything possible to preserve those stocks. Eliminating square pots is one small step in the right direction.

The one concern that has been communicated to me has been that the outright elimination of square pots would cause a financial burden on those fishermen who would need to replace their gear. With that in mind a phase-out plan might be more reasonable and acceptable.

Thank you for allowing me to have some input in these decisions concerning our natural resources.

Sincerely,



Steven M. Thynes  
F/V Laurier

RECEIVED

JAN 07 2009

BOARDS

We, the undersigned, agree that the by-catch of halibut in square pots is significant enough to warrant the need to eliminate them or phase them out of use in the Southeast Alaska Golden (Brown) King Crab fishery, as stated in Proposal #180.

Print name	Signature	Date	Address and Comments
Steven M. Thynes	Steven M. Thynes	12/30	Box 198 PSG AK Boat Laurier
Chuck Thynes	Chuck Thynes	12/30	Box 1517 Psg., AK
LONG CORRE	Long Corre	12/30	Box 1570 Psg
George W. Wood	George W. Wood	12/30	Box 902 Psg
KURT WOHLHUTER	Kurt Wohlhuter	12/30	Box 1312 PSH AK.
Palmer THOMASSEN SR	Palmer Thomassen	12/30	Box 608 PSG Alaska
LYNN R Ewing	Lynn R Ewing	12/30	Box 1335 PSG AK
John Dupree	John Dupree	12/30	Box 684 PSG
DAN VICK	Dan Vick	12/30	Box 1271 PSG AK IVE FISHES WITH BOTH
DAVE THYNES	Dave Thynes	12/30	Box 533 PSH AK 99833
MARK DRAGE	Mark Drage	12/30	" 1826 " " "
Brent Akers	Brent Akers	12/30	Box 845 PSG AK
Bob Hall	Bob Hall	12/31	Box 13113 PSH AK
RON LINDSEY	Ron Lindsey	12/31	Box 1344 PSG AK
Stan Malcolm	Stan Malcolm	12/31	Box 361 PSG AK
Cole Rhodes	Cole Rhodes	12/31	Box 426 PSG, AK
TOM DRENNAN	Tom Drennan	12/31	Box 823 PSG ABOUT TIME
Sarah O'Brien	Sarah O'Brien	12/31	Box 656 PSG
Wes Makom	Wes Makom	12/31	Box 35 PSG AK
DALL HICKMAN	Dall Hickman	12/31	" 108 PSH AK
Jim Stromboli	Jim Stromboli	12/31	Box 1326 PSG AK
Douglas Webb	Douglas Webb	12/31	Box 875 Psg. AK.
AL Dwyer	AL Dwyer	12/31	Box 1788 PSH AK
Jon Stephen	Jon Stephen	12/31	Box 584 PSG, AK.

1/2

COMMENT#

16

RECEIVED

JAN 07 2009

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Print name	Signature	Date	Address and Comments
Kris Thynes	Kris Thynes	12/31	Box 193, PSG, AK -
Michael L. Wilson	Michael L. Wilson	12/31	Box 1084, PSG, AK.
Russell E. Thompson	Russell E. Thompson	12/31	Box 2056, PSG, AK.
DANIEL WILSON	Daniel Wilson	12/31	Box 661, PSG, AK.
Dennis Lewis	Dennis Lewis	12/31	PO 927, PSG, AK -
Cornie Lewis	Cornie Lewis	12/31	P.O. 1702, PSG, AK.
JERRY WELCH	Jerry Welch	12/31	P.O. 1686, PSG, AK.
Mike Welch	Mike Welch	12/31	PO Box 225, PSG, AK -
Michael Medalen	Michael Medalen	12/31	PO Box 969, Petersburg, AK 99833
Caley McKay	Caley McKay	12/31	Box 2142, PSG, AK 99833
Kirk Lucca	Kirk Lucca	"	Box 161, PSG, AK
Terry Durkin	Terry Durkin	12/31	Box 114, PSG, AK
Derek Thynes	Derek Thynes	12/31	Box 1624, PSG, AK
ERIC LEWIS	Eric Lewis	1/1	Box 2046, PSG, AK
KURT KIVISTO	Kurt Kivisto	1/1	Box 1036, PSG, AK.
Bill Davidson	Bill Davidson	1/2	Box 1336, PSG, AK.
Pete Thynes	Pete Thynes	1/2	Box 583, PSG, AK
Josh Etcher	Josh Etcher	1/2	Box 1952, PSG, AK
Christopher Morrison	Christopher Morrison	1/2	Box 284
Thomas Greenley	Thomas Greenley	1/2	Box 1457
Bob Volk	Bob Volk	1/2	Box 576
HAROLD MEDALEN	Harold Medalen	1/2	Box 821, PETERSBURG, AK 99833
Dan Volk	Dan Volk	1/5	Box 122, Petersburg, AK 99833
Jack Lyons	Jack Lyons	1/5	Box 527, Petersburg, AK 99833

2/2

COMMENT#

16

# F/V Danegeld

Brennon & Susan Eagle

P.O. Box 576

Wrangell, AK 99929

(907) 874-2162

bseagle@eci.net

January 8, 2009

Attn: BOF Comments  
Boards Support Section ADF&G  
PO box 115526  
Juneau, AK 99811

RECEIVED

JAN 08 2009

BOARDS

RE: Comments on Proposals 141 and 142

Chairman Jensen and Board members:

I am writing in opposition to proposals 141 and 142. I have commercially fished for shrimp using pots in Southeast for the past 20 years. I was very active in the limited entry process that this fishery underwent in 1994 and 95. I have attended each Board of fish meeting since Sitka in the winter of 1997. I have also participated in this fishery as a catcher and a processor selling my catch in many various forms.

I am opposed at this time to changing the gear that is allowed in this fishery. I was one of the fisherman that was at the Sitka meeting in 1997 when we drastically changed the number and size of pots that were allowed in this fishery. We changed many other things in the fishery at that time also, with one of the main ones being the hauling hours of 8 hours per day that we now have. At that time this fishery was being conducted in such a fast pace that management could not keep track of the catch and we were in danger of overharvest of the shrimp if we had not done something to lower the catching ability of the fleet. This was the justification used at the time for the changes that were implemented.

This is in stark contrast to the current fishery. Many of the fishermen have switched to being catcher processors and there are no on the grounds buyers and very few shore based processors, this has led to a slower catch rate. We don't currently have the need to slow the catch rate down in this fishery. The current managers are quite comfortable with managing this fishery and don't see a risk of fishing past the guide line harvest levels which are in place for all of the areas in Southeast. If these proposals are adopted they would be solving a problem that does not currently exist in this fishery.

I agree with the Alan Reeves who submitted these proposals that there was an error in the regulations that came out of the Sitka meeting. I don't agree with the solution that he has proposed. If this error was to be fixed it should have been done as soon after it was recognized as possible, not now. Many decisions and investments in gear have

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COMMENTS

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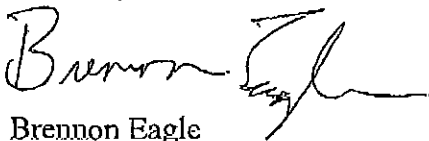
been made by the fishermen in this fishery since this error was made 12 years ago. In the most recent years fishery 60% percent of the fishermen were using small pots. At the current prices for gear the pot cost per boat is about \$15,000 and the fleet cost is in excess of \$900,000. If the gear is changed these fishermen would need to abandon that gear and spend money on new gear. This seems like a very poor use of capital in a fishery that does not have management issues. Some will say that we aren't forcing anybody to change gear but fishermen operate to the regulations to stay as efficient and competitive as they can and they will be moving to change gear if the regulations change.

If the small pots are eliminated in this fishery and or the pot limit is changed to 100 pots there will be an increase in daily double picking of pots. This is a bad thing because the hauling hours and the pot mesh restrictions that we currently have work together to sort out the small shrimp on the bottom and the small shrimp should never make it to the surface. They work by allowing the small shrimp to leave the pot through the mesh and by being on the bottom long enough for the bigger shrimp to force them out of the pot. If the small shrimp come to the surface and are sorted and returned from the boat their mortality is quite high. This is bad for the fishery. I know that this is what will happen because this is exactly how I ran gear before I switched to the small pots 2 seasons ago. Since I went to 140 pots I have not double picked any gear and this definitely leads to an overall increase in size in the shrimp harvested.

You will probably also hear that the smaller pots cause crowding on the grounds. This is a moot point because the grounds can be crowded with either type of gear depending on how it is fished. How much ground is used to fish is dependent on how many pots are on a string, the spacing between the pots and whether each end of a string has a bouy or it is just buoyed on one end. Generally with all of the variables considered I think each tends to take up about the same amount of ground.

Thank you for taking my comments into consideration when deliberating on these proposals.

Sincerely,

  
Brennon Eagle



December 20, 2008

John Jensen, Chair  
Board of Fisheries  
P.O. Box 115526  
Juneau, AK 99811-5526

RECEIVED  
JAN 08 2009  
BOARDS

Mr. Jensen,

My name is Max Worhatch and I have been an active commercial fisherman in Alaska since 1975 or so. I currently live in Puyallup, Washington, but I currently fish out of Petersburg. I fish for Dungeness crab, gillnet for salmon, and long line for halibut. I would appreciate the board's consideration of my comments on the following proposals.

Proposal 144- OPPOSE I oppose this proposal as there is very little, most years no, commercial harvest in this area. This is a commercial area, and should remain so. High subsistence sport use of this area year round already precludes its viability to most commercial interests. There are several areas of opportunity in the Petersburg area for sport and subsistence fishing shrimp, closing Mr. Burrell's favorite spot will only lead to more request for other areas at some later date.

Proposal 146- SUPPORT. I support this proposal. While zero tolerance of illegal crab is preferable and practiced to the best of any crab fisherman's ability, it is impossible to achieve. As these crab cannot be sold, there is no motive for fishermen to throw illegal crab into their tank. Inconsistencies in enforcement is a problem, where officer discretion comes into play. A set policy of 2% or less would give fisherman a chance to make a goof and not be prosecuted, and give enforcement a better case in a violation.

Proposal 148- OPPOSE. I oppose this proposal because I believe that we had a August 15 closure for a reason. In high abundance crab years, there is always a lot of soft shelled crab, delaying the season might reduce handling of some of these crab, but it hasn't seemed to hurt the stocks.

Proposals 149 and 150-SUPPORT. I support these proposals as they will allow fishing in an under utilized area during the highly productive summer months. The Dungeness fishery has lost a lot of productive grounds over time, due to sea otter predation and community access closures. Fishermen are finding themselves shoved into the remaining production areas, causing intense fishing, gear conflicts with other gear groups and sports and subsistence interest. Opening districts 1 and 2 concurrent with the rest of the management area could and probably would reduce some of these problems.

There is also a marketing issue. Most buyers stop processing crab in the fall at the November 30<sup>th</sup> closure. With no market, most years, fishermen quit near the end of November anyway. While the fishermen who fish this area in the fall season will probably be against this, I think the fishery should be managed to maximize its potential to all users.

I realize this proposal has been brought up in the past, and an argument was made that there was a soft crab issue with these stocks in the summer. There are soft crab everywhere in high abundance years and the fleet and the resource as well as the processors seem to make it work just fine.

Proposal 151-SUPPORT. This just fine tunes a management tool already in place and it definitely is for the benefit of all users.

Proposal 152-SUPPORT. This has been a perceived problem in this fishery, and should be addressed. There are plenty of tools in place to cover emergency situations that would cause hardship to fishermen who are teamed up. (Emergency medical transfers for instance).

Proposal 153-SUPPORT. I support this proposal as I think the current situation is not what was intended when the tiered system was adopted. Permits were issued by size based on productivity. Obviously, the smaller permits were not very productive, and shouldn't be made more productive now. The current regulation is a carry over from the fishery before limited entry was imposed.

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COMMENT#

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Proposal 154-SUPPORT. I support this proposal as it addresses the difference between sport and personal use. It only seems fair that if an area that was commercial and is closed to allow access to locals for personal use, then the sport fishery should be closed also. Residents will still be allowed to harvest and only non-residents would be effected.

Proposal 155-SUPPORT. I support any proposal that increases commercial fishing area.

Proposal 156-SUPPORT. I support any proposal that increases commercial fishing areas. This was and still should be a commercial area. There are plenty of opportunities available to anyone wanting to catch a crab to eat.

Proposal 157-OPPOSE. I oppose this since it will further limit the commercial fishery. We have already lost enough area. The very idea that this will only be a summer closure leads me to believe that this is more of a charter issue. I strongly reject any notion that I as a commercial fisherman will benefit from any lost areas. Furthermore, the area specified is quite large, more than I would think would be necessary for the stated purposes.

Proposal 158-OPPOSE. The resource in Wrangell Narrows shows no sign of collapse. Many commercial fishermen earn their living here. The commercial season is four months long, with a 6 week break in the middle. This leaves 8 months for personal use and sport fishermen to harvest their crab. This seems like ample opportunity. Contrary to what is stated in the proposal there is no evidence of the Dungeness resource being compromised by the commercial fleet.

Proposal 159- OPPOSE. I cannot support any closures to any commercial areas. The 8 month closure to commercial harvest gives the residents of Naukati ample opportunity to harvest personal use crab.

Proposal 160-SUPPORT. Current sport regulations are excessive. Another option to be considered is catch and release only for sport fisheries.

Proposal 161-OPPOSE. Everybody, whether they are a tourist, non-resident, resident, or personal user of a resource, must purchase a sport fishing license to participate in a sport or personal use fishery. To designate a "special" type of tourist, to be exempt from the existing law is ridiculous. If a person can afford to go on an ecotour, he/she can certainly afford to buy a one or three day license to participate. I fail to understand how purchasing a sport license could take away from the experience of pulling a crab pot and touching a Dungeness crab.

Proposal 174-OPPOSE. This a traditional and viable area for the commercial fishery. With the loss of other traditional areas around Juneau, there is ample opportunity for personal users. The unchecked and un-enforced personal use fishery by the proposors own admission has caused the problem. The commercial fleet should not be punished for excesses in the personal use fishery.

Proposal 175-SUPPORT. The current management approach has proved to be useless in managing a commercial fishery. High abundances of Red King crab are observed year in and year out during the fishery. High incidental catches in the Tanner and even the Dungeness fishery show the stocks are much healthier than the department's data shows. A set season and the use of current CPUE data available to fish and game to determine biomass makes sense. Ultra-conservative management in the past, closing the commercial fishery in the face of the highest CPUE in the history of the fishery, has not resulted in a higher commercial yield. Fish and Game has time and again led the commercial fleet to believe that by being conservative, putting "crab in the bank" would result in more opportunity in the future. Quite the opposite has been true. It is time for a new approach.

Proposal 180-SUPPORT. Square king crab pots are notorious for by catch of halibut. Area 2C halibut quotas have been dropping recently. While there are only a few boats still fishing squares, a few hundred


pots can have a huge effect on local halibut populations. It only makes common sense to reduce by-catch of such a valuable resource. Elimination of square pots will cause some financial hardships for the vessels that have them, but after watching the shrimp fishery change gear every ten years or so, I think it can be done.

Proposal 181-OPPOSE. I don't think six days is enough. I also think the core/ non-core is ridiculous and a waste of time. As a crew member and occasional permit holder in this fishery for twenty plus years, I have watched as it has gone from being an economic boon every winter, to nothing. The department has shown time and again, as they have in the red king crab fishery, that their management strategies have failed. It is time for a new approach.

Proposal 182-SUPPORT. I like this proposal because it will bring the fishery closer to what it was during its best years. Size, sex and season worked for many years in this fishery, and should be used again. Economically, it will benefit fishermen to be able to make the financial commitment to fish and recoup his start-up costs every year. As the years go by, it is increasingly obvious that the conservative management of the department of fish and game is a failure. It hasn't increased the resource in any instance that I know of. I have heard that doing the same thing over and over and expecting a different result is a sign of insanity. That pretty much describes the departments approach to tanner crab management to me. Not only is the survey for tanner crab inconclusive, it is an irresponsible waste of money. It is time for the state to wake up and realize that the current management doesn't work biologically or economically.

Thank you for the opportunity to comment on theses proposals.

Sincerely,

  
Max Worhatch



# Alaska Longline

## FISHERMEN'S ASSOCIATION

Box 1229, Sitka, AK 99835 907.747.3400, FAX 907.747.3462 [alfa.staff@gmail.com](mailto:alfa.staff@gmail.com)

Mr. John Jensen  
Chairman  
Alaska Board of Fisheries  
P.O. Box 115526  
Juneau, AK 99811-5526

Re: Proposal #137

Dear John,

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JAN 08 2009

BOARDS

I am submitting these comments on behalf of the Alaska Longline Fishermen's Association (ALFA). ALFA is a non-profit association of independent commercial longline vessel owners and crewmembers who are committed to continuing the sustainable harvest of marine fisheries while supporting healthy ecosystems and strong coastal communities.

We request that no action be taken on proposal 137 at the January BOF meeting and instead take final action at the February meeting. The author of the proposal, Kathy Hansen from SEAFSA intended this regulation to apply to fin fish. Shellfish were not intended to be part of the regulation and the Department comments do not adequately address the proposal, particularly as it applies to groundfish species such as sablefish.

ALFA supports adoption of Proposal 137 with the following amendment:

5 AAC 47.020. General provisions for seasons and bag, possession, annual and size limits for the salt waters of the Southeast Alaska Area.

(17) other [SALTWATER FINFISH and] shellfish species not specified in this section, may be taken from January 1 – December 31, no bag, possession, annual or size limits;

(18) other saltwater finfish (not including herring, eulachon, and smelt) not specified in this section, may be taken from January 1 – December 31; 2 fish bag limit, 1 daily bag limit in possession and no annual limits.

The Department comments on this proposal, although stated as neutral, seem to be approaching the proposal from a sport fish advocacy angle and suggest that imposition of this regulation will mean adding hundreds of additional species to the regulation booklet and opening up the possibility for each species to be addressed by the BOF at future meetings. More distressing is the disregard given to the potential for yet another charter fishery to develop for another fully utilized species.

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The author of the proposal specifically used sablefish as an example of the need for the proposal. Sablefish is an example of a fish that is fully utilized already by subsistence and commercial fishing. Charter fishing for sablefish using electric reels is a new fishery and should not be allowed to develop unregulated.

The Department's background information is lacking. Although tables are referred to, no tables are provided for the public's use in making comments. It would be helpful to see catch statistics complete with error statistics instead of generalities. The Department says that the Statewide Harvest survey does not require speciation of "other fish" and that the marine creel program only observed "several" sablefish in 2008. The Department comments state "The Department has no information that substantiates a demonstrated biological or management concern for these species throughout the entire region". The Chatham Strait sablefish fishery is managed based on a biomass estimate and a harvest rate. The quota in the commercial fishery has been substantially reduced in recent years (down 26% since 2006 and 51% since 2000) and it is likely that quotas will be reduced again because of a lack of recruitment. Clearly there is a biological and management concern for this species.

Other fish impacted by the use of deepwater reels include slope rockfish. Sport fishing regulations currently only address pelagic rockfish (i.e. black rockfish), and non-pelagic (i.e. demersal shelf rockfish), consequently there is an unlimited bag limit for slope rockfish. The Board of Fisheries has voted several times to limited the commercial fishery for slope rockfish to bycatch only as these species are very long lived and the Department does not have a biomass estimate for them. Having an unrestricted charter fishery on these species undermines previous Board action.

Personnel of the Sport Fish Division must be well aware that many of the lodges in the Shelter Island, and Chatham and Clarence Strait areas of Southeast Alaska promote the catch of sablefish, a deep water fish not commonly associated with sport fishing (for example see [www.charter-alaska.com/Alaskan\\_Marine\\_Adventures/Fishing.html](http://www.charter-alaska.com/Alaskan_Marine_Adventures/Fishing.html)). They catch these fish using deep water electric reels. The creel program does not sample fish from remote lodges and therefore it is not unexpected that sablefish and other deepwater fishes are not represented in the creel data.

I urge the Board to impose bag limits on "other finfish" as a reasonable way to begin to define the charter fishery as a sport activity. Residents of southeast Alaska can access most fisheries through personal use or subsistence fishing. Commercial regulations prohibit the taking of fish unless there is a specific regulation allowing that take. Given the rapid development of the charter fishery it is unacceptable for management agencies to assume sport fish catch is negligible. The adoption of this regulation will be a clear indication that the Board of Fisheries intends to manage all fisheries and provide for continued opportunity into the future. If the take of "other finfish" is as limited as the Statewide Harvest Survey data suggests then the impacts to current users will be negligible and the Board's action proactive.

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In closely I would like to remind the Board of the generous opportunity afforded to sport fishermen fishing for marine species even with the adoption of this regulation. Doc Warner's website ([www.docwarners.com/catchdata.html](http://www.docwarners.com/catchdata.html)) shows the average weight (in filleted fish pounds) that each guest took home last year. It ranges from a low of 30.3 lbs in late August to 74.6 lbs in September. This equates to 90 to 300 servings of fish per client at a generous 0.25 lb serving!

If this amendment passes clients will have the opportunity to take home at least 35 fish for every day they fish.

Current Regulations:

Halibut 1

King salmon 1

Coho salmon 6

Pink salmon 6

Chum salmon 6

Shark 1

Pelagic rockfish 5

Non pelagic rockfish 2

Lingcod 1

Potential bag limits:

Sablefish 2

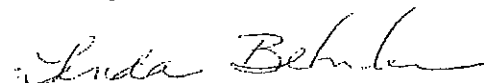
Pacific cod 2

Deepwater rockfish 2

Total potential DAILY bag limit on key species: 35

I will be available for further discussion of this and other proposals at the February BOF meeting in Sitka and look forward to the committee and Board process.

Sincerely,



Linda Behnken  
Executive Director



Photos from the website of Shelter Lodge and Anchor Point Lodge



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COMMENTS 19

## Southeast Alaska Fishermen's Alliance

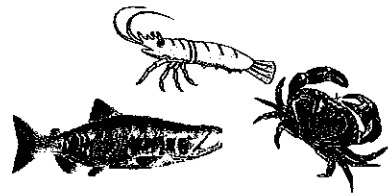
9369 North Douglas Highway

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Phone 907-586-6652

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E-mail: [seafa@gci.net](mailto:seafa@gci.net)

January 9, 2009

Board Support Section  
Alaska Dept of Fish and Game  
John Jensen, Chair  
1255 West 8<sup>th</sup> Street  
Juneau, AK 99811-5526

RECEIVED

JAN 09 2009

BOARDS

RE: SE Shellfish Proposals - Jan '09

Southeast Alaska Fishermen's Alliance (SEAFA) is a multi-gear, non-profit, membership based association representing our members involved in the salmon, crab, shrimp and longline fisheries of Southeast Alaska. Our comments on the proposals are listed by numerical order. Thank you for your consideration of our opinions and information provided.

### ***SPORT SHELLFISH PROPOSALS:***

#### **Proposal #136 - SUPPORT: define sport fish crab pot**

SEAFA submitted and supports this proposal. We believe that since sportfishing for king crab is already illegal, pots that target the harvest of king crab should also be illegal. Alaska residents and subsistence users will still be allowed to use king crab pots under personal use regulations.

This reduces the temptation for a sport fisherman to keep a king crab that gets in the pot on the justification that it won't hurt anything if we keep this crab, it's just one. We have personally seen and talked to non-resident sport fisherman saying this at remote docks such as Funter Bay, Couverden and our members have reported similar incidents.

Table 170-1 on page 101 of ADFG staff comments shows a table of sport fish harvest of tanner crab. In the table the harvest ranges from a high of 424 to a low of 43. In 2006 the last year data was available the harvest was 84.

We have read ADFG's comments on this proposal and we would offer the following comments:

- 1.) It would be difficult to assess the reduction of king crab since the harvest of king crab by sport fishermen is already illegal. Asking enforcement about the

number of violations that have occurred over the years and if they believe that they are able to catch all violators regarding the illegal harvest of sport fish caught king crab would be the simplest way to determine the need for this proposal.

- 2.) We would clarify that it's our belief that king crab pots are used to target king crab and when questioned by enforcement the sport fisherman says that they are Dungeness and/or tanner crab fishing. If they don't have a king crab in possession, enforcement is unable to do anything even if the pots are rigged for king crab and in the depths and areas where king crab would be targeted and it is unlikely that you would find Dungeness and/or tanner crab.

We would recommend a slight change to the regulatory language to read A crab pot may not be used in the sport fishery that has tunnel eye openings more than five inches in height. A top loading crab pot is not legal sport fishing gear.

**Proposal #137 - Support - 2 fish bag limit for all species not listed**

SEAFA submitted this proposal with the intent of a bag limit for all finfish species and not shellfish species. If you look at the language under the issue section of the proposal you will see that we spoke of only fish species but unfortunately when you ask the public or laymen to provide regulatory language, it does not always end up being written correctly or unintended consequences such as shellfish being dragged into the intent of this proposal. We will speak in depth to this proposal at the finfish meeting in Feb but will be available at the committee meeting if necessary.

It was our intention with this proposal that all the species would not be listed but instead the regulation would state that there is a 2 fish bag limit for sport fishing for all species unless otherwise stated. This would help prevent the over-harvest of species that becomes a new target of sport fishing by putting limits in place in advance of impacting the species or conflicts between users occur and not waiting until problems have cropped up and it becomes a conservation concern. We need to manage all species for long term sustainability and sometimes the easiest method is to place conservative bag limit in place to start with and not wait for a species to be in trouble and dealing with management concerns.

In hindsight, more correct regulatory language for this proposal might have consisted of:

AMEND 5 AAC 47.020. General provisions for seasons and bag, possession, annual and size limits for the salt waters of the Southeast Alaska Area.

(17) other [SALTWATER FINFISH and] shellfish species not specified in this section, may be taken from January 1 - December 31, no bag, possession, annual or size limits;

**(18) other saltwater finfish not specified in this section, may be taken from January 1 - December 31; 2 fish bag limit, 1 daily bag limit in possession and no annual limits.**



(19) Herring; may be taken from January 1 - December 31; bag limit of [ONE] five gallons [BUCKET] of herring may be in possession; one daily bag limit in possession; no annual limits.

We would be very interested in serving on the committee dealing with proposals #136 & #137.

**Proposal #368 (#138) - Support - 1 daily bag limit for possession limit**

SEAFSA submitted this proposal and supports it as a back up alternative to proposal #286 which we prefer as a better alternative to address the issue which would make the possession limit be all fish/shellfish harvested until a person returns to their domicile. The issue that is trying to be addressed is to move the sport fishing industry in Alaska back to an experience and a reasonable amount of fish taken home vs. the current mentality of meat hunts. While it is illegal to sell sport caught fish, the reality is that there is limited to no enforcement or ability to enforce this law once they leave the state.

**Proposal #139 - Support - Lower sport bag limit for shrimp**

SEAFSA submitted this proposal and supports it but prefers a different alternative. We would request that the Board of Fish defer action on this proposal until the Feb. Finfish meeting. The necessity of this proposal depends on whether the Board of Fish is going to take any action on proposal #286 to redefine the possession limit. If "preserved" fish does not count towards the possession limit (current regulation) we believe that a lower sport fish bag limit is appropriate as they are taking multiple daily bag limits home preserved since it doesn't count towards their bag/possession limit. If proposal #286 passes then the current regulation does not need to be changed as the regulations clearly only allows for one daily bag limit in possession and for a multiple day stay 10 lbs or quarts is an appropriate quantity.

***SHRIMP:***

**Proposal #140 - Amend/Support - Reporting requirements Shrimp**

SEAFSA will support the concept and housekeeping aspects of this proposal but would offer some suggested amendments that could make the proposal more acceptable to the fleet and more practical.

In section (a) registering with the dept within 48 hours of beginning or ending fishing within a district would be more practical if it was 48 hours or "the next business day". For example, this provides for enough hours to get past a weekend to where there is someone available to take a call or cover a weekend with a holiday that becomes a three day weekend.

Section E which allows for the collection of other information requested by the department for the conservation and development of the shrimp resources has

some commercial fisherman nervous that something impractical or impossible to comply with could be required. Since the dept actually has some idea of where they want to go with this section we would prefer that it get developed on the record what this other information might be required in the future. We understand that the Dept may wish to require the information provided on the voluntary logbook to become mandatory before the next board of fish cycle.

In section (e) the definition of catcher processor appears to have an error as written and should probably read as follows: a commercial fisherman who catches and sells or attempts to sell processed shrimp.

#### **Proposal #141 & 142 - No position**

We have SEAFSA members on both sides of this issue and will be willing to participate in the shrimp committee to discuss them. Issues regarding these proposals that have been brought to us by members on both sides of the issue include, the acknowledgement that an error was made in the regulations compared to the Board action taken; the more pots allowed to be fished the less double picking that occurs; costs associated with changing gear; there is no real management/conservation issue at this time; crowding issues as shrimp fishermen move from the 100 pots to 140 pots, a bigger pot fishes better and pot size issues are a combination of area within pot and footprint of pots.

#### **Proposal #143 - Oppose - Beam Trawl Fishery**

SEAFSA opposes this proposal and supports the current regulations. SEAFSA participated in the 2003 meeting cycle where the current compromise between the trawl and pot shrimp fishermen was negotiated in a day long committee meeting. At that time there was good representation from both fleets discussing the issues and developing the current regulations. We believe that this current proposal would allow for the targeting of coonstripe shrimp (non-traditional target species) in non-traditional beam trawl districts. Shrimp markets are depressed at the current time for both the trawl fleet and the pot fleet to some extent but market conditions fluctuate all the time.

At the 2006 Board of Fish meeting, the board did support a conceptual proposal that clarified that the 10% trip limit for retention of spot and coonstripe shrimp is a total threshold level for both species combined.

#### **Proposal #144 - Oppose - Close waters around Sukoi Islands**

SEAFSA opposes this proposal to close commercial shrimp fishing within 1 mile around the Sukoi Islands. If the Dept had concerns about the resource health in this area, as stated in their comments they would shut down the stat area to commercial fishing and likely close the sport and personal use fisheries which they currently already have the authority for. This is really a request for a closure area

where the author fishes and is not based on any resource, conservation or need for a sanctuary area for local residents.

I would remind the Board of Fisheries that in the 2006 cycle the board passed proposal #286 that would prohibit sport fishing for shrimp in waters of Southeast Alaska that are closed to commercial shrimp pot fishing. This proposal was submitted by the Wrangell Advisory committee and we believe the intent of the proposal was that as new areas were closed to commercial fishing to provide protected areas around communities for local use they would also be included but the regulations were written such that only the current areas closed to commercial shrimp fishing were closed to sport fishing. If the board considers closing any areas to commercial fishing they may also want to consider the intent of the Board of Fish in 2006 to close the area to sport fishing.

### ***Dungeness Crab***

#### **Proposal #145 - Support - Crab measurement devices**

SEAFSA submitted and supports this proposal. This proposal has two parts to it.

The first part requests a clear Board of Fish regulation that states the specifications of measurers used by Enforcement and ADFG creel samplers. We are concerned by the use of composite (plastic store bought) measuring devices that shrink and expand with changes in temperatures. Since the submittal of this proposal a SEAFSA member has further researched this issue and Alaska Statute 45.75.050 adopted the National Bureau of Standards published in National Bureau of Standards Handbook 44 with requirements for application to weighing and measuring equipment in official use for the enforcement of law or the for the collection of statistical information by government agencies. We will have at the board meeting a copy of part of the Alaska State Statute and relevant sections of National Standards Handbook 44 if you would like additional information. The Handbook has specifications for linear measurement. One such requirement for an end measure is that if it is made of material softer than brass, the ends of the measure shall be protected by brass (or other metal at least equally hard) securely attached. This requirement does not fully address our concerns in that if the rest of the end measure is of a material that shrinks or expands with temperature changes such as a composite measuring device the measures used for law enforcement may not be accurate but most commercial fishermen will not challenge the citation due to the costs of a trial and fishermen who feel that they their catch was carefully measured and is legal should have the comfort of knowing that the law enforcement tools are exact.

The second part of the proposal was to initiate a discussion about broken crab spines that occur within the hold after they have been legally measured. This can occur especially in freezing weather that the fishermen encounter during a February opening. This was addressed in the Dungeness crab fishery in that the

measurement used does not include the spines while the spines are included in the measurement of king and tanner crab. One possible way of dealing with this is the crab must be of x measurement that does not include the spines or a measurement taken at a different position on the crab. This would be a secondary measurement but would then allow a legal size crab to be kept and does not punish a fisherman for the breakage of a spine while in the hold, being put in the hold, or that occurred during the unloading process.

**Proposal #146 - Support - crab tolerance**

We will speak to and provide additional information on this proposal during the meeting.

**Proposal #147 - Support - Dungeness crab measurement clarification**

SEAFA supports this proposal submitted by Public Safety and views it as housekeeping.

**Proposals #148, 149 & 150 - No position - Dungeness Season**

We have members on both sides of the issue on these proposals. We would like the opportunity to participate in the committee discussion regarding these proposals.

**Proposal #151 - Support - Dungeness Crab Management Plan**

SEAFA supports this change in the Dungeness crab management plan that would allow for a fall season if the lack of crab deliveries due to light or soft shelled crab prevented reaching the threshold level necessary for a full season. SEAFA fully believes that size, sex and season management provides all the precautionary and conservation measures needed for a long-term sustainable crab fishery.

**Proposal #152 - Support - Permit Holder on Board with stacked permits**

SEAFA supports this proposal that clarifies that all permit holders need to be onboard the vessel during fishing operations when multiple Dungeness crab permits are stacked on one vessel. It has always been our understanding that all permit holders must be onboard when the gear was in the water, if that isn't currently the case then by all means the correct regulatory language should be drafted. We would like if possible the language to be written such that all permit holders must be on the vessel when there is crab on board or when the gear is being worked but allow the opportunity to be able to go to the fuel dock when the gear is in the water with just one permit holder onboard.

The ADFG staff comments provided information in table 153-1 that shows the number of operations that take advantage of permit stacking is similar to the number of permits that were stacked prior to limited entry.



**Proposal #154 - Support - Close sport Dungeness crabbing in areas where commercial fishing is closed.**

SEAFA submitted and supports this proposal. The Wrangell Advisory Committee submitted this proposal in the 2003 and 2006 cycle for both Dungeness crab and shrimp. The proposal for shrimp was passed in 2006 but the Dungeness crab proposal was not. ADFG staff partly objects to this proposal based on the assumption that they would be issuing sport fish emergency orders through out the years as the commercial Dungeness crab fishery opens and closes. We believe the intent of this proposal is that if the area is closed to commercial fishing then the area is closed to sport fishing for the whole year in regulation just as it is for the commercial fishermen. If the area is closed for only a portion of the year then sport fishery would be closed in regulation for the same portion of the year and area as the commercial fishermen.

We are suggesting with this proposal that the closed waters listed in the commercial section be closed to sport use year round and not that you try in EO regulations for the sport fishery to open up areas only when they are open to commercial fishing.

The areas that have been closed for commercial fishing have been closed on the justification that there needed to be an area close to the community for the local residents. We want to make sure that the closed areas benefit the local residents without gear conflicts, localized depletion or competition by commercial, charter or sport fishermen but is reserved for the personal use and subsistence fisheries that the closure was intended for. Many of the closed areas are now dominated by use of clients of charter and lodge operations.

**Proposal #155 - Support - Open Whale Pass closure area for fall commercial fishery**

We made a mistake in drafting and submitting this proposal. Our written narrative under the issue sections is correct, but the regulatory language submitted was not. Unfortunately, ADFG wrote their comments based solely on the regulatory language. What we wanted addressed in this issue is to have the fall Dungeness season Oct 1 - Nov 30 open in the Whales Pass area. This area closure was a compromise to close a small area to minimize the conflict with small skiff personal use fishermen from the Whales Pass Community. The small personal use skiffs are not out fishing after October 1<sup>st</sup> so allowing a commercial fishing season at this time would still minimize the sector conflicts.

The previous 4 year average harvest in the Whale Pass area according to staff comments from the 2000 board of fish meeting were: 17, 925lbs with a low of 7,418 to a high of 26,350 and between 6-9 permits fished the area.

The regulatory language that would be appropriate is:

(15) from December 1 through September 30, waters of Whale Pass north and west of a line extending from 56°05.65'N. lat., 133° 07.30' W. long. To 56° 05.85' N. lat., 133° 06.40' W. long.

**Proposal #156 - Support - RE-Open Chaik Bay to commercial fishing**

We submitted this proposal because we feel the issue was misrepresented at the 2006 Board of Fish meeting. The proposal was represented by an individual that claimed he was an Angoon resident but the following summer we found out that he was not a resident and in addition the only use of the area is by lodges in the area. Chaik Bay is not being used by the personal use resident from Angoon that the closure was intended for.

Chaik Bay has averaged 6,504 lbs during the years when commercial harvests were allowed with a peak harvest of 21,738 lbs in 2004/05. This is a very good harvest from a very small area. Commercial crab fishermen familiar with the overall bay have stated that the most productive commercial grounds was the area that was closed.

**Proposal #157 - Oppose - Close waters of Coffman Cove**

SEAFSA opposes the closure of any more additional area to commercial Dungeness crab fishing. The grounds that are left will get nothing but more crowded as fishermen are additionally being forced into smaller and smaller areas due to the increase of sea otters moving substantially farther inland every year.

The lines suggested in this proposal appear to have an error and don't make sense as written. If you look closely at the regulatory language provided they are asking to close North and West of the line provided - this would close most of all Southeast Alaska to commercial Dungeness crab fishing. The maps (Figure 157-1 & 157-2) in the ADFG staff comments would actually be the opposite way. The hash marked area for Coffman Cove would be open and all the open waters would be closed with this proposal as written.

If the Board of Fish considers passage of this proposal then we would request that the area also be closed to sport fishing and be open only for subsistence and personal use. The submitter of this proposal operates Big B's Alaskan Fishing Adventures out of Coffman Cove and on his website

<http://www.bigbsfishing.com/index.html> advertises Dungeness crab fishing.

**"Choose Your Adventure Charter Fishing**

Set your hook on any of the five species of salmon: King "Chinook" Salmon, Coho "Silver" Salmon, Pink "Humpty" Salmon, Chum "Dog" Salmon and Sockeye "Red" Salmon. Or you might haul in Halibut, Red Snapper, Ling Cod or Ray. Additionally, you can go shrimping or catch some Alaskan Dungeness Crab. Big B's supplies all the fishing gear and bait, and we use top of the line fishing gear and the latest in electronics to bring home the big ones. And at the end of the day, Big B's will custom fillet and vacuum pack your catch."

The submitter of this proposal has pled no contest on interfering with commercial fishing gear from a violation dated 9/1/2006.

**Proposal #158 & 159 - Oppose - Close areas to Commercial Fishing**

SEAFA opposes the closure of additional areas to commercial Dungeness crab fishing. Closing areas just in turn creates more pressure and crowding in other areas that then want closures because of the impact. Sea Otters in Southeast Alaska are already creating fishing in consolidated areas as they work over an area and are moving farther inland every year.

**Proposal #160 - Support - Lower sport bag limit for Dungeness crab**

SEAFA submitted this proposal and supports it but prefers a different alternative. Again, the necessity of this proposal depends on whether the Board of Fish is going to take any action on proposal #286 to redefine the possession limit. If "preserved" fish does not count towards the possession limit we believe that a lower sport fish bag limit is appropriate as they are taking multiple daily bag limits home preserved since it doesn't count towards their bag/possession limit. We would request that the Board of Fish defer action on this proposal until the Feb. Finfish meeting. If proposal #286 passes then the current regulation does not need to be changed as the regulations clearly only allows for one daily bag limit in possession and for a multiple day stay this provides more than adequate amount of Dungeness crab.

**Proposals #161-163 - Oppose - Guided Sport Ecotourism**

SEAFA opposes all three of these proposals regarding guided sport ecotourism. First SEAFA has several questions and concerns about the guided sport ecotourism, it was our understanding that the Board of Fish enacted regulations for the George Inlet eco-tourism Dungeness crab fishery for the 2008 season only and then would be re-addressed this cycle. It appears that everyone is assuming that fishery is completely established and these three proposals are asking for tweaks to last years regulation. *The current regulation for George Inlet 5AAC 47.090 only exists through March 31, 2009. There is not a proposal on the table to reestablish the George Inlet super-exclusive guided sport ecotourism Dungeness crab fishery, there are two proposals to change conditions of the 2008 regulations.*

First speaking to the establishment of the George Inlet super-exclusive guided sport ecotourism Dungeness crab fishery, SEAFA is completely opposed. We are opposed to the precedent of establishing bays closed to commercial fishing, developing a new and expanding commercial enterprise in it's place that has super-exclusive rights.

IF the fishery is to be re-established we believe that several of the regulations need to be changed starting with the season date. The George Inlet super-exclusive guided sport ecotourism Dungeness crab fishery should only be allowed to operate at the same time as the commercial fishery. This time frame minimizes handling the crab during molt periods. This would shorten the season to June 15 to August 15<sup>th</sup>.

In ADFG staff comments, it minimizes the effect of handling on crab but there are numerous crab mortality studies available that you could request from Shellfish Research Staff. The George Inlet fishery especially during the time frames of April 1 to June 15 and Aug 15 to Sept 30 are handling crab during a sensitive time period of their lives when mortality rates increase, the mortality rate is probably pretty significant in this operation since the pots are put in the same place and the same crab are captured and handled multiple times.

If the fishery is re-established we also believe that there should be some type of time frame provided as part of the regulation for how long the crab may be held out of the water.

Proposal #161 - We oppose this proposal and completely agree with the Departments comments.

Proposal #162 - SEAFA opposes this proposal, if there is going to be a super-exclusive eco-tourism fishery there should be sideboards. ADFG comments clearly states that they have no information on what the effect of repeat handling over a season length especially with it occurring during molting and mating periods and therefore the precautionary principle should apply. Be conservative and careful.

Proposal #163 - SEAFA opposes this proposal for the same reasons stated above in #162.

## *SUBSISTENCE*

**Proposal #167 - Oppose - Closure of commercial king crab in 13B & 13C**

This proposal has two parts - SEAFA is opposed to the portion requesting the closure of the red king crab fishery in Districts 13B & 13C. SEAFA is making no comment at this time until we have time to read the C&T worksheet on the whether this stock should be listed as C&T in this area.

## *SEASONS*

**Proposal #169 & 170 - Support - Close Tanner crab for PU for 1-2 weeks**

SEAFA supports these proposals and actually submitted proposal #170. The only difference is that SEAFA's proposal was for one week and ADFG suggested 2 weeks. This will provide for a fair start of the king crab fishery on July 1<sup>st</sup> and prevent early setting of pots or stockpiling of crab.

The other alternative would be to define pots that have tunnel size restrictions but this would require the private personal use individual to have two sets of pots and not make one pot work for multiple species that they are legal to participate in.

## **RED KING CRAB**

### **Proposal #173 - Support - Section 11A King Crab Management Plan**

SEAFSA supports this proposal. We do not believe that the red king crab survey provides an accurate estimate of the red king crab biomass and the amount of available red king crab for harvest.

In the ADFG staff report on Southeast Alaska Red and Blue King Crab Fishery (Chapter 8, page 102) the Dept lists management concerns about the personal use harvest. They state *"Accurate harvest data from all users is important to the management of the fishery. Estimates of personal use red and blue king crab harvest come from three sources in Southeast Alaska; the Statewide Harvest Survey, Dockside Creel Census, and Personal Use Permits. Personal Use permits are required in only the Section 11-A personal use permit area around Juneau and although they provide the best available data, it is thought that underreporting does occur and harvests are underestimated. Outside of the 11-A permit area and Juneau king crab management area bag limits are six crab per person per day which may lead to significant removals in some areas. The best estimates of harvest for areas outside of 11-A come from the Statewide Harvest Survey and Dockside Creel Census information. Both those sources consistently underestimate total harvest. A region-wide system needs to be established to provide reliable estimates of personal use harvest from all areas in order to effectively manage the stock."* (emphasis added)

While we don't agree with the stock assessments, ADFG has listed the District 11 stock as in "poor" condition, such that the commercial fishery has been closed for 3 years and the personal use fishery has been closed for 2 years. This proposal would not re-allocate the commercial portion of the Dist 11 stocks to the personal use fishery which will help rebuild the stocks to a better condition and provide for a more long term stable population. The staff comments state that they believe the harvest is underreported and underestimated, enactment of this proposal also provides a buffer in the years when a commercial fishery is not conducted. Since District 11-A significantly contributes to the available biomass, maintaining a healthy population in this district is critical. As a commercial fisherman sitting in task force meeting on crab, we have been told many times that it doesn't hurt to let the crab stay in the water, it helps rebuild the stocks, maintains healthy populations, provides for multiple year classes and they will be available to you next year.



If the southeast stocks are low enough that the commercial threshold is not reached in order to conduct a fishery, we should be applying the precautionary principles and not reallocate the crab to another user group.

**Proposal #174 - Oppose - Section 11A King Crab Management Plan**

SEAFa opposes this proposal. See comments on proposal #173. These are some of the most valuable and productive king crab grounds to the commercial fishermen. A complete loss of District 11 would severely impact when and how often the fishery would be opened. We would additionally point out that there are currently portions of 11 A that are closed to commercial fishing even when a commercial fishery is conducted.

**5 AAC 34.150. Closed waters in Registration Area A**

The following waters of Section 11-A are closed to the taking of king crab:

(1) the waters north of a line from Marmion Island Light to the easternmost tip of Point Salisbury at 58° 12.50' N. lat., 134° 13.75' W. long., and enclosed by a line from Outer Point on Douglas Island at 58° 18.20' N. lat., 134° 41.30' W. long., across Stephens Passage to the mouth of Bear Creek on Admiralty Island at 58° 16.80' N. lat., 134° 46.50' W. long., along the shoreline of Admiralty Island in a northerly direction to Symonds Point at 58° 20.60' N. lat., 134° 50.20' W. long., across Saginaw Channel to the southeasternmost tip of Shelter Island at 58° 22.30' N. lat., 134° 48.60' W. long., along the shoreline of Shelter Island to the southernmost tip of Halibut Cove at 58° 27.70' N. lat., 134° 53.30' W. long., across Favorite Channel to the southernmost entrance of Amalga Harbor at 58° 29.30' N. lat., 134° 47.30' W. long.; and

(2) the waters of Barlow Cove south of the latitude of Barlow Point at 58° 22.80' N. lat., 134° 53.70' W. long.

**Proposal #175 - Support - 7 day Red King Crab Fishery**

SEAFa support this proposal for a seven day red king crab fishery. We do not believe that the red king crab survey provides an accurate estimate of the red king crab biomass and the amount of available red king crab for harvest. The fishery has been managed in the past on size, sex and season. A possible suggestion would be the requirement that the pots could only be picked once a day to allow for longer soaks and provide greater opportunity for the escape rings to work. We don't have any suggestions for the management of a fishery between these two extremes but red king crab is being seen everywhere, coming up on longlines hanging on the bait in large numbers etc.

Industry requested the SE king and tanner cycle to be moved to the Southeast cycle strictly because the statewide meeting always occurred during the SE tanner

fishery and fishermen had to choose between attending the meeting or participating in the fishery, not due to travel considerations.

**Proposal #176 - Support - Personal Use King Crab**

SEAFA supports this proposal and the goals that ADFG is trying to accomplish.

***GOLDEN KING CRAB***

**Proposal # 177 - Support - GHR for Golden King Crab**

SEAFA supports this proposal. We are an active participant in the king and tanner task force meetings. We would be willing to work with task force members and the Dept in the committee process to try and reach a compromise.

**Proposal #178 - Support - Manage Golden crab in-season**

SEAFA supports good in-season management that protects the fishery at the same providing the most opportunity to fish. Crab are very cyclical in nature and it would be good to be able to take advantage of harvesting the crab when they are there.

**Proposal #179 - Support - Allow retention of golden crab during dual openings**

SEAFA supports this proposal that allows a permit holder to keep legal king crab harvested in a tanner pot when both seasons are open in that area and they are a dual permit holder. This makes sense in that they qualified for both fisheries prior to limited entry by fishing both species at the same time.

**Proposal #180 - Oppose - Prohibit square pots**

SEAFA opposes this proposal to prohibit the use of square pots in the golden king crab fishery. The justification of this proposal is the bycatch of halibut. The majority of halibut caught in a square king crab pot would be able to be released alive and unharmed and therefore is not harming the halibut resource. There would be a huge economic cost to the permit holders that fish square pots to replace their string of pots. IPHC does take into account bycatch mortality in other fisheries and estimates an amount that is factored into the formula for determining catch limits.

***TANNER CRAB***

**Proposal # 181 - Support - Manage Tanner Fishery**

SEAFA supports the king and tanner task force proposal for a management plan for the tanner crab fishery. As stated above, SEAFA is an active participant in the king and tanner task force. We will be willing to work with task force members and the Dept on changes to the tanner management plan.

**Proposal #182 - Support - Manage Tanner Fishery**

SEAFA supports this proposal. As the ADFG staff reports state for most of its history, the Southeast Alaska commercial tanner crab fishery has been managed by size, sex and season. Crabs are cyclical in nature but this fishery was successful for all those years that it was managed on size, sex and season.

As with the king crab fishery, we are skeptical that the Dept will ever get data that the fishermen believe shows any kind of true assessment of the biomass.

In looking at table 181-3 of ADFG staff reports, it actually looks like the Dept has not allowed us to harvest the amount that should have been a sustainable harvest when looked at retrospectively at the same time that pre-season we had to fight to even have a fishery given to us.

In staff comments under background information the Dept compares the 1968/69 fishery to the 2007/08 but the amount of time allowed, weather, amount of time affects the amount of soak time, where you are in the tide cycle are all factors that influences the average harvest per permit.

**Proposal #183 - Support - Tanner Crab Gear Storage**

SEAFA supports this proposal and would like to thank the Dept for submitting this proposal and addressing this issue.

**Proposal #186 - Support - PU Tanner Crab**

SEAFA supports the use of escape rings in all crab pots for all fisheries.

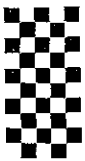
***OCTOPUS***

**Proposal #198 - Support - Octopus management plan**

SEAFA submitted and supports this proposal for an octopus management plan. This would provide for a more uniform and better system than issuing commissioners permits every year. An Octopus management plan that requires all octopus harvested being listed on a fish ticket will probably add some additional harvest that has occurred but not been reported. We believe that this octopus management plan is conservative while still allowing octopus bycatch to occur and be sold in the conduct of other fisheries.

Thank you for taking the time to read our comments and consider our positions on the proposals.

Sincerely,



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CONTINUED

I am not in favor of proposal 157. I am a commercial gillnetter that spends the summer fishing out of Colman Cove. The charter fleet catches crabs very often, to feed their clients and that is why they want the commercial fishermen out. They proposed this proposal 157 so they won't have to compete with them; and aren't willing to buy them from the commercial guys. Thank you for your time and the job you do.

Sincerely,  
Brian Cobb

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907-465-6094

Box 243  
Craig, AK. 99921  
907-826-3489

Robert Meyer  
P.O. Box WWP  
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[rmmeyer@att.net](mailto:rmmeyer@att.net)

December 23, 2008

ATTN: BOF Comments  
Boards Support Section  
Alaska Department of Fish and Game  
P.O. Box 115526  
Juneau, AK 99811-5526

RE: Proposal 155

Dear Sirs:

Proposal 155 is actually two proposals (opening 12 mile arm and Whale Pass for fall Dungeness crab fishing) and as currently presented is confusing and **prevents** a full and accurate analysis of the issues and therefore should be withdrawn from consideration by the board.

Comments specific to the proposal are as follows:

- **ISSUE:** Opening the Whale Pass area to commercial Dungeness crab fishing in the fall will pose a health and safety risk to the residents of Whale Pass. When commercial fishing was permitted within the inner bay, the proliferation of crab pot buoys within the bay presented a safety hazard to landing aircraft and skiffs transiting the area.

The saturation of commercial crab pots throughout the bay is a hazard to float planes landing at the state float. As was noted when the Board of Fisheries closed the inner bay, float planes are not only the sole source for mail delivery to Whale Pass and the surrounding area, they provide non-road transportation and allow for medical evacuations from the area. In the past the mail plane had difficulty navigating around the commercial pots' buoys and lines located in the landing area. The need for this safety zone has not decreased since the closure. We invite the Board to come and observe for itself how densely gathered the commercial pots are along the line dividing the closed area from the rest of the bay during the commercial seasons. The navigational difficulty is real, for boats and planes.

- **WHAT WILL HAPPEN IF NOTHING IS DONE?** The subsistence harvest of Alaska's fish and game resources is considered the highest and best of these resources. Due to local topography and hydrography, the local Whale Pass Dungeness stock is geographically isolated from other stocks in the region. Therefore, there is little or no in or out migration of Dungeness crab. The inner portion of Whale Pass is the primary spawning ground and rearing habitat for Dungeness crab harvested within Whale Pass. Whale Pass and other Prince of Whales Island residents depend on the Whale Pass crab

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JAN 09 2009  
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Marjorie A. Meyer  
P.O. Box WWP – Whale Pass  
Ketchikan, AK 99950-0290

December 23, 2008

ATTN: BOF Comments  
Boards Support Section  
Alaska Department of Fish and Game  
P.O. Box 115526  
Juneau, AK 99811-5526

RECEIVED  
JAN 09 2009

RE: Proposition 155

Dear Sirs:

I oppose Proposition 155 for the following reasons:

- Whale Pass residents, as well as others from Prince of Wales island, rely on crab as a food source **year round**. The very small area of Whale Passage that is closed to commercial crab pots, allows the community residents to continue to supplement their food supply without boating long stretches to more unprotected waters in rough weather. (Many Whale Pass residents are seniors.) Notably, weather conditions in the fall are typically more adverse than in summer and is not suitable for small craft – for **safety** reasons, not simply comfort.
- Whale Pass is not just “summertime residents”. It is a year round community. Residents without road access must boat to shore throughout the year. In the past, commercial crab pots strung throughout the bay have been a hazard for residents and visitors boating between their homes and the community dock. Particularly in the fall and winter, residents having no road access, are required to travel after dark. We lie off the road system, therefore, the proliferation of commercial crab pot buoys presents a safety hazard to such travel.
- The saturation of commercial crab pots throughout the bay is a hazard to float planes landing at the state float. As was noted when the Board of Fisheries closed the small area now sought to be opened, the float planes are not only the sole source for mail delivery to Whale Pass and the surrounding area, they provide non-road transportation and allow for medical evacuations from the area. In the past the mail plane has had difficulty navigating around the commercial pots' buoys and lines located in the landing area. The need for this safety zone has not decreased since the closure. We invite the Board to come and observe for itself how densely gathered the commercial pots are along the line dividing the closed area from the rest of the bay during the commercial seasons. The navigational difficulty is real, for boats and planes.
- During the past five years, Conditions supporting the closure of inner Whale Pass to commercial crabbing have not changed, with the single exception that the Whale Pass community has increased and subsistence needs have increased.
- Please note, that proponents of Proposition 155 offer the unsupported assertion that “by fall, summertime residents with small skiffs have left the area.” This, supposition is, of course, false!

Sincerely,



Marjorie A. Meyer

COMMENT# 23

Otto Florschutz  
Box 547  
Wrangell, AK, 99929

BOF Comments  
Board Support Section  
Alaska Dept of Fish and Game  
PO Box 115526  
Juneau, AK 99811-5526

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BOF

Proposal 135: I support. Commercial charter guide lodges are setting strings of shrimp pots and leaving them all season. Besides being ILLEGAL this practice has led to serious area depletion. It is very detrimental to the shrimp resource when pots are left in the water for extended periods of time. Allowing only hand pulling of pots would allow a more fair opportunity for fisher and the resource.

Proposal 139: I support. I have worked for Alaska Airlines for 9 years. In this time I have seen many abuses of Alaska's missing or liberal bag and possession limits. I have seen 2 travelers leave with 27, 50 -70 lb boxes of seafood. This is the reason why this proposal booklet is so full of proposals seeking to slow down this fishery. Previous Boards failure to do so is a travesty.

Proposal 141: I support. Previous Board of Fish action established 2 tiers of pot sizes, 36" and smaller or 36" and larger with a maximum of 48". Somehow this got changed in the regulation booklet to 39 1/2 ". While 140- 36" pots

equal 15,820 square inches of pot size and the 100- 48" pots 15,100 square inches, they are roughly equal. By mislabeling the regulation ADF&G allowed and sanctioned net increase of 17,430 square inches or roughly 13 pots. As all fishermen are expected to fish the most efficient gear this will increase harvest rates beyond management desires. Action should involve one size limit or equal pot square footage.

Proposal 143: I oppose. Repealing the 10% trip by-catch in all area would allow some or most areas to be over-fished for all other species. District 8 has an excess of 1,000,000 lb pink shrimp quota. Without the 10% catch limit beam trawlers could catch over 100,000 lbs of coonstripe shrimp essentially wiping out that resource.

Proposal 144: I oppose. This small area provides nothing but wealth for the State of Alaska. The commercial season is a short fall fishery that has traditionally lasted less than 1 month. It does no harm to the resource for fishermen to fish this area. If there is not enough shrimp to make it commercially viable they will move on quickly. While a short commercial fishery has not depleted stocks a 12 month sport fishery where pots are left in the water for extended periods of time may. Perhaps if there are stock concerns limiting the sport impact would be wise.

Also ADF&G commercial harvest statistics show this area has healthy shrimp populations. This is essentially the only population data the dept has, closing would hamper the ability of ADF&G to have needed stock info.

Proposal 148: I Oppose. Soft shell crab in S.E. Alaska is highly dependant on the area and not time. This then should not be the trigger for when the season opens as some areas are soft early and some late in the season as the crab feed and grow. The summer season has been fine tuned to start when crab are in good condition but also to take the pressure off the grounds in late summer when females are clutching or mating with males, which they can only do when they molt. This time frame is not flexible, the female crab after feeding all summer, then molt, during this time the male crab clutches the female and inseminates her with sperm. Its important to not disturb this mating process as catching the crab and handling them would.

Also since limited entry most fishers who have invested in this fishery have done so to fish primarily the first couple of weeks of the fishery as no other major fisheries are tacking place at that time. To pass this proposal would be a major re-allocation of this fishery.

Proposals 149-150: I support. Due to Sea otter predation wiping out productive areas crab fishermen are being condensed down into smaller areas, while to the south areas 1&2 lies fallow. These are the same stocks as northern S.E. and should be harvested in conjunction with the rest of S.E. Secondly, with the time proven method of Size, Sex and Season, (without Seaotter predation) the resource thrives. One of the reasons for this is the amount of bait that's consumed by smaller crab during the summer fishing period when crab are growing. The younger crabs thrive as they feed and grow.

Proposal 154: I support. While I am against area closures, when areas are closed to commercial fishing around communities it was to provide for local resident shellfish needs. Residents' needs should then take precedence. Area depletion caused by the prolific guided sport industry has already led to the larger and more area closures being sought. Sport fishers would still have an opportunity to harvest resources in the common property areas.

Proposal 155: I support. By Oct. due to the shortened daylight hours and worsening weather, personal use efforts are about nil. I propose that all areas closed to commercial use be opened to allow for the harvest of excess stocks by the commercial sector.

Proposal 156: I support. This area is used almost exclusively by a lodge. Area residents, whether personal use or commercial, should be allowed to harvest these stocks. ADF&G commercial harvest statistics show these areas have healthy crab populations. This is essentially the only population data the dept has, closing would hamper the ability of ADF&G to have needed stock info.

Proposal 157: I oppose I am against all area closures. The commercial season is for 2 months of the summer. It is structured to allow local users to meet their harvest needs in April, May and June. The author of this proposal is a Charter boat captain who this year was caught and convicted of robbing commercial pots and feeding the stolen crab to his clients. Also ADF&G commercial harvest

statistics show this area has healthy crab populations. This is essentially the only population data the dept has.

Proposals 158, 159: I oppose. I am against area closures. These areas provide wealth for the residents of Alaska. The Size, Sex and Season management system provides that only male crab that have been sexually mature for 2 years are harvested. They have already replaced themselves. ADF&G commercial harvest statistics show these areas have healthy crab populations. This is essentially the only population data the dept has, closing would hamper the ability of ADF&G to have needed stock info.

Proposal 160: I support. This proposes a still very liberal bag limit that provides for ample consumption while insuring against waste. Crab do not freeze well, non-resident fisherman taking lots of crab south risk wasting the resource.



Mark Kandianis  
6821 Hawk Ridge Drive  
Ferndale, WA 98248

VIA FAX: 907-465-6094

January 9, 2009

Alaska Board of Fisheries (BOF)  
Alaska Department of Fish & Game  
PO Box 25526  
Juneau, AK 99802-5526

RECEIVED  
JAN 09 2009

RE: Proposal 187

BOF

Dear Chairman Jensen:

Proposal 187 is asking the Board of Fish to open the Weathervane Scallop (*Patinoplectin caurinus*) fishery in Registration Area D one month earlier on June 1 from the existing date of July 1.

I had been a long time participant in the Alaska scallop fishery – having operated a scallop vessel in Alaska for over 30 years. I recently retired and my longtime cook, then deckhand, then mate, then captain took over ownership of my vessel. I support the conclusions on Proposal 187 presented by the Alaska Scallop Association of which our former vessel is a member.

I fished the Yakutat area (Registration Area D) during the period in question (June 1 to June 30) for decades prior to the regulation change that limited our fishing to July 1 to February 15. During that time, I never noted that our next year's catch was affected negatively by the catch of the previous year. In my opinion, the Yakutat scallop resource is more affected by the unique oceanic and geographic environment presented to all benthic resources in that area than our fishing pressure – which for the past 17 years has been closely monitored through our 100% observer monitoring.

Initially, due to the cost of observers, I was not a fan of the program; however, over the years, we learned that the observer data should help us – IF we are conducting our fishing in the way the State of Alaska requires...that is, conserving the target species and also conserving the species or benthic environment affected by our fishing.

We would urge you to allow fishing for scallops in Registration Area D between June 1 and June 30. The ADF&G always regulates the fishing for scallops in a way that permits them to close a fishery in an area quickly if the observer data indicates a problem in any area – from the target species to any other resources that are affected. The positive result could be in increased safety for the scallop crews and vessels but also increased information about the resources in this area.

Thank you for the opportunity to comment.

Sincerely,

Mark P. Kandianis

*Mark Kandianis*

COMMENTED 25

RECEIVED TIME JAN. 9. 12:42PM



Alaska Board of Fisheries (BOF)  
Alaska Department of Fish & Game  
PO Box 25526  
Juneau, AK 99802-5526

RE: Proposal 187, Support

RECEIVED  
JAN 09 2009  
BOARDS

January 9, 2009

Dear Chairman Jensen

My name is John Lemar I have been part owner and Mate/ Captain of the Scallop boat Ocean Hunter since 1997. Last year me and my partners bought the Arctic Hunter and converted her into a Scallop boat and I am now its Captain.


I ask you to please consider opening the Scallop season in Yakutat in June. This will allow me to finish fishing Yakutat and the other Scallop areas in the State, as early as October, opposed to December if the Season opens in July.

Fishing is much better when the weather is calm and will require considerably less hours to catch the same amount of scallop as in the lousy weather we normally experience in November & December. This will make our jobs much easier and safer.

I do not know when Scallops spawn in Alaska but then again it does not seem like anyone in Alaska does. To me what better way to find out then to take a look at different times of year with a trained observer. Then we would all know and be able to make sound regulations based on facts.

As far as molting Tanners I have never seen any of them in a molted state in early July. With a Trained Observer we could watch for this and learn more about them too and then readjust our season openings if needed.

We pay a lot of money to the observers. It would be nice to know that they were there for science instead of just for enforcement.

  
Thank you, John Lemar  
1302 Chambers St  
Steilacoom, WA 98499

RECEIVED TIME JAN. 9. 4:21PM

COMMENT#

26

**Alaska Scallop Association  
(ASA)**

7216 Interlaaken Dr. SW  
Lakewood, WA 98499  
(253) 582-2580  
Fax 589-0508  
jstonecrab@aol.com



January 9, 2009

Alaska Board of Fisheries (BOF)  
Alaska Department of Fish & Game  
PO Box 25526  
Juneau, AK 99802-5526

RE: Proposal 187... "Support"

Dear Chairman Jensen

Proposal 187 is asking the Board of Fish to open the Weathervane Scallop (*Patinopecten caurinus*) fishery in Registration Area D one month earlier on June 1 from the existing date of July 1.

Our main purpose for the request is safety to our Crew and Vessels. Our vessels fish the whole State not just this one area. The length of time to prosecute the various Scallop districts across the state at recent GHF's has our member boats out on the water until approximately December. If we could begin one month early in Registration Area D, we could get off the water (Statewide) before November 1, thus avoiding much of the dangerous and low productive fishing winter weather.

An added benefit is to the Scallop resource. As the wind & waves increase with the fall & winter Seasons our fishing efficiency goes down and our CPUE decreases. As a result we are forced to fish longer on the bottom then in the nice summer months. Less time fishing equals less stress on the resource and habitat.

One more benefit to the Crew, the Vessel and the Environment in much less fuel burnt in the nice weather months.

**SCALLOP SPAWNING;**

We are of course extremely concerned about fishing on spawning scallops and agree with the Department that this could perhaps disturb their reproductive success. Although the US East Coast fishery is fished year round through the Spawning period and has been highly successful for the last decade.

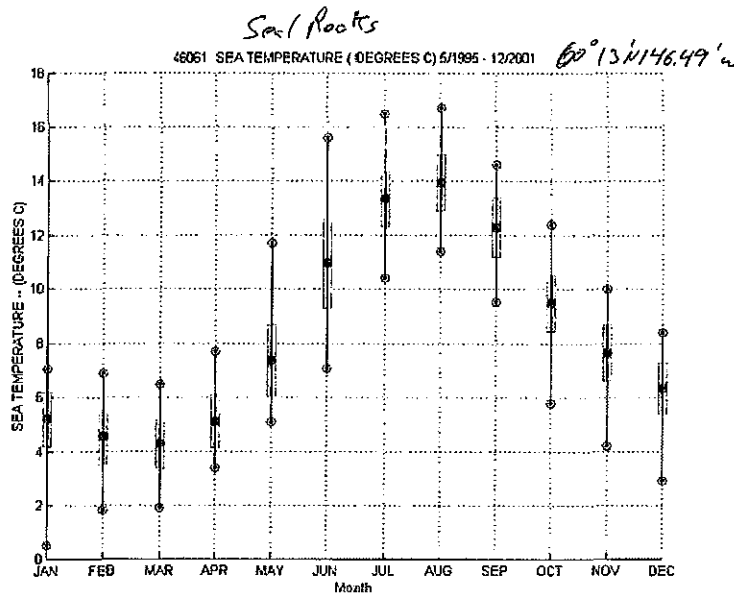
Our members question the spawning dates of May to early July used in the ADFG reports. There are no sources noted on these and appear to be copy & pasted verbatim from one report to the next. We have been unsuccessful in finding any supporting studies for this conclusion.

We have had conversations with Island Scallops in Qualicum Beach, British Columbia, Canada. They are a very successful working Scallop farm that has done much work with Weathervane Scallops (*Patinopecten caurinus*). Their experience with Weathervanes is holding them in live tanks and using them as brood stock. Island Scallops has studied extensively the spawning of this scallop species. Island Scallops has found that the Weathervanes spawn on the first rise of temperature in late winter, early spring. This spawning can be triggered by as little as a 1 degree increase. In their location in B.C. they have seen this spawning trigger happen as early as February. Most likely at our higher latitude we would expect a later spawn.

The chart below is from NOAA buoy 46061 (position 60°13'N 146°49'W). This is approximately 150 miles NWW of the NW edge of Registration Area D, but should be a good

indicator of annual seawater temperature changes in the region. This is the only buoy that had a long time period of Seawater temps (1995 to 2001). The temperature begins to rise in March (1 to 2°) and quite rapidly in April (an additional 2 to 4°).

From Island Scallops work we believe these Scallop in Yakutat are spawning in March and April and are most certainly spawned out by May 1<sup>st</sup>.



Mr. Robert Saunders is Island Scallop's CEO and founder, formed in 1989. He has worked around the world in Scallop aquaculture and is in my opinion the foremost expert in the world on Reproducing, Spawning and Raising Scallops. I have asked him to produce us a paper on the spawning timing & triggers for the Weathervane Scallop. Hopefully I will have this paper to present to the BOF when I testify at the Petersburg meeting. We encourage our Fishery Managers at ADFG to consult with him in developing some more good data collection, enhancing our current lack of good science through the Scallop Observer program.

The Scallop boats carry observers 100% of the time. Observers can easily be trained to examine gonads to determine whether they have spawned out or not. Observers have examined gonads in the past but have since stopped. Mr. Saunders has suggested that roe (either male or female) reduction to less than 20% by weight in the early spring would indicate that the scallop had spawned. In addition the change of the gonad from red or white to translucent is also an excellent indication of spawning. If observers were required to do these observations a reliable timing of spawning could be determined, closing a giant gap in our scientific knowledge of Alaska's Weathervane Scallop.

#### **TANNER CRAB;**

Also of concern for beginning Scallop fishing operations in June is Tanner Crab molting & mating. Our tanner by-catch in Area D is very low and almost nil in Area D-16. See page 219 of the *"2009 report to BOF Region 1 Shrimp Crab and Scallop Fisheries"*. Over the last 16 years we averaged 6,354 Tanners caught & released in Area D and 262 in area D-16.

Note only 2,188 Tanners were caught & released for 2008, with one extra boat fishing the area. We are now beginning a program to help us to indentify Tanner hot spots. An advantage of Area D being so large is our ability to stay off Tanner by simply moving to another section with less crab.

Although there is very little known about Tanner crab in Area D, there has been much study of SE Tanners. The SE recruit and mature (>120mm) Male Tanner Crabs molt in March

and early April. The Females molt even earlier, in January. In SE these animals are reported to move into shallow waters to molt, much shallower than Scallop fishing occurs.

The *"2009 report to BOF Region 1 Shrimp Crab and Scallop Fisheries"* on page 213 under "Crab Bycatch Limits", reports that the average size Tanner caught and released in the Scallop Fishery is 28mm. This is a very Juvenile animal (maturity approximately >120mm). Juvenile Tanner crab of this small size will molt multiple times per year at no set calendar interval.

Tanner crab do not Mate until maturity (approximately 120mm). Again, the average size crab caught and released by the Yakutat scallop fleet is 28mm.

The Scallop boats carry observers 100% of the time. Observers can easily be trained to examine Tanner crab for shell condition so we can know if Tanners are in fact molting. Observers can also report on any Tanners seen clutching (mating).

#### **DUNGENESS CRAB;**

The Scallop fleet is sometimes wrongly accused of harming the Yakutat Dungeness population. Page 91 of the *"2009 report to BOF Region 1 Shrimp Crab and Scallop Fisheries"* indicates that most of Yakutat's Dungeness concentrate in 2 to 10 fathoms on the Ocean Beaches. The Yakutat Scallop fishery is prosecuted in an average of 43 fathoms with the shallowest in 35 fathoms.

Please refer to page 219 of the *"2009 report to BOF Region 1 Shrimp Crab and Scallop Fisheries"*. Table 14-3 shows an Average of 34 Dungeness caught and released annually over a 16 year period in District 16 and 635 Dungeness out of Area D. Note that last year 2008 we caught & released a total 10 Dungeness out of both Areas combined.

In light of the absence of any crab surveys in the area, we would suggest that because of the 100% onboard observers the Scallop fishery gives ADFG managers a valuable window into the status of both Tanner & Dungeness crab stocks.

#### **OBSERVER TRAINING;**

Observer companies have assured us that they easily can supply Scallop Observers by June 1. The North Pacific Fisheries Observer Training Center in Anchorage told us that they should have no problem to accommodate an earlier training date, upon receiving direction from ADFG.

#### **SUMMARY;**

The Scallop fleet spends an average of \$125,000 annually on the Scallop Observer Program (close to \$2,000,000 since its inception in 1993). A price we are more than willing to pay to assure the State and the public of our fishery's good stewardship. However, currently we do not glean too much scientific data from the program. We have a great opportunity to gain more knowledge of the fishery via the Observer program. The observers can give us real time data of the fishery. Observers can examine Scallop Gonad weights and record Tanner & Dungeness crabs seen molting, mating or any other data the Department deems worthwhile. If the Observations were to show a problem with a June fishery, it could be closed immediately, retested later and reopened after the problem had cleared. In the end we will have a little better understanding of the Scallop fishery and the benthic community it is prosecuted in.

Best Regards, Jim Stone, President, Alaska Scallop Association

# Petersburg Vessel Owners Association

PO Box 232

Petersburg, AK 99833

Phone & Fax: 907.772.9323

[pvoa@gci.net](mailto:pvoa@gci.net) • [www.pvoaonline.org](http://www.pvoaonline.org)

January 4, 2009

Alaska Department of Fish and Game  
Boards Support Section  
P.O. Box 115526  
Juneau, AK 99811-5526  
Fax: (907) 465-6094

RECEIVED

JAN 09 2009

BOARDS

## RE: SOUTHEAST SHELLFISH BOARD OF FISHERIES PROPOSALS

Dear Chairman Jensen and Board Members,

Petersburg Vessel Owners Association (PVOA) is a diverse group of commercial fishermen based in Alaska operating primarily in Southeast. Our members participate in a variety of fisheries statewide including halibut, cod, salmon, herring, crab, and shrimp. PVOA appreciates the opportunity to comment on the following Southeast shellfish Board of Fisheries proposals:

### SPORT

**PROPOSAL #136 PVOA SUPPORTS** defining specifications of pots allowable for use in sport fishery to include: a crab pot may not be used in the sport fishery that has tunnel eye openings more than five inches in height. A top loading crab pot is not legal gear for non-residents. Considering that Southeast king crab stocks are depressed in certain areas and no commercial red king crab fishery has been held for two years due to depleted stocks, this proposal would provide pot specifications for a legal pot able to harvest tanner and Dungeness to prevent non-residents from retaining king crab while claiming to be harvesting other species and make enforcement easier.

**PROPOSAL #137 PVOA SUPPORTS** general provisions for sport season and bag, possession, annual, and size limits (bag limit). Establishing reasonable bag limits for all species that currently do not have a bag limit is a necessary action to prevent increasing harvest rates on fully-utilized species, establish limits, and discourage "meat hunts" within the sport fishery.

**PROPOSAL #138 PVOA SUPPORTS** general provisions for sport season and bag, possession, annual, and size limits (bag limit). Establishing reasonable bag limits for all

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COMMENT: 28



species that currently do not have a bag limit is a necessary action to prevent increasing harvest rates on fully-utilized species, establish limits, and discourage "meat hunts" within the sport fishery.

**PROPOSAL #139 PVOA SUPPORTS** general provisions for sport season and bag, possession, annual, and size limits (shrimp). Establishing reasonable bag limits for all species that currently do not have a bag limit is a necessary action to prevent increasing harvest rates on fully-utilized species, establish limits, and discourage "meat hunts" within the sport fishery.

### **SHRIMP**

**PROPOSAL #140 PVOA SUPPORTS** reporting requirements for shrimp catcher-processor and catcher-seller vessels in registration area A. Redefining the requirements related to this proposal will reduce confusion, provide the Department with additional information essential to successful management and allow reporting to be conducted via telephone to provide the fleet with more flexibility and eases unnecessary reporting burdens. This proposal strengthens reporting requirements to include vessels not currently required to report to the Department on a weekly basis therefore reducing the potential to close an area well before or after the GHL has been reached.

**PROPOSALS #141 & #142 PVOA OPPOSES** lawful shrimp pot gear for Registration area A. Although we recognize that this issue arises from an error in regulation writing and does not reflect the original intent of the Board, we are opposed to actions that exclude gear from fishermen who have already made significant investments to purchase gear that conforms to regulations.

**PROPOSAL #144 PVOA OPPOSES** closed waters in Registration area A. Although we recognize that there is localized depletion of shrimp in the area surrounding Sukoi Islets, we are opposed to action that restricts commercial fishing and allows the continuance of sport fishing which in some cases matches or exceeds commercial harvest. We are also opposed to actions that close areas to commercial fishing when there is no conservation concern for the overall stock of the area. Closing areas to commercial fishing forces further crowding in areas traditionally fished by commercial gear. Reports from Petersburg residents indicate that the majority of fishing in this area is done by sport pots, not commercial as this proposal is attempting to prohibit. Although we are opposed to closing areas to commercial fishing and not sport fishing for the reasons stated above, we feel that more appropriate *requests* would close areas to commercial AND sport while still leaving opportunity for personal use fisheries.

### **DUNGENESS**

**PROPOSAL #145 PVOA SUPPORTS** amending the regulation to specify crab measurement devices and allow for broken spines. Requiring that crab measures used for enforcement be made from materials impervious to weather and is checked by weights and measures twice per year would reduce the instance of incorrectly measuring crab due

to fluctuations in the measuring device. Amending the regulation to allow for broken spines on crab is a possible solution to the issue of spines being broken after harvest, i.e. damage that occurs in the hold or while unloading of crab. According to regulations regarding the size limits of crab, King and Tanner crab are currently measured with spines, Dungeness are measured excluding spines. We would be supportive of changing regulation of King and Tanner to match that of Dungeness in order to address concerns regarding broken spines.

**PROPOSAL #146 PVOA SUPPORTS** amending the regulation to allow a 2% tolerance for mistakes made in sorting crab. This proposal would allow fishermen a small allowance for inadvertently retaining illegal crab, as mistakes are easily made by the fishing crew sorting due to weather, season, and crew experience. We also recommend additional language that clarifies this proposal is not intended to include female crab in the allowance.

**PROPOSAL #147 PVOA SUPPORTS** general provisions for seasons, bag possession, annual, and size limits, and methods and means for measuring legal size of Dungeness crab as this proposal makes all regulations defining the measurement of legal Dungeness crab consistent.

**PROPOSAL #148 PVOA OPPOSES** fishing seasons for Registration Area A as this proposal would dramatically alter the historic season start date and exclude participants who are involved in more than one fishery in the summer.

**PROPOSAL #149 & #150 PVOA SUPPORTS** fishing seasons for Registration Area A as we see no reason to not open this area along with the other areas on June 15<sup>th</sup>. Opening this area with others would spread out effort amongst the commercial fleet.

**PROPOSAL #152 PVOA SUPPORTS** lawful gear for Registration Area A as this would make it illegal for a vessel that has more than one permit holder to operate the vessel unless both permit holders are onboard. We feel that this is the appropriate way to manage the Dungeness fishery with permit stacking provisions as currently there are enforcement issues that this proposal would address.

**PROPOSAL #154 PVOA SUPPORTS** amending the regulation to apply Dungeness crab commercial closed areas to sport fishery to provide for resident personal use fishing. We are supportive of regulations that require areas closed to commercial fishing are also closed to sport fishing. We are opposed to action that restricts commercial fishing and allows the continuance of sport fishing which in some cases matches or exceeds commercial harvest. **See comments for proposal #144.**

**PROPOSAL #155 PVOA SUPPORTS** amending the regulation of closed waters in Registration Area A to open commercial Dungeness crab fishing during fall season in Twelve-mile Arm closed area. We support providing opportunity in this productive area in the fall after small skiff fishermen have ceased fishing.

**PROPOSAL #156 PVOA SUPPORTS** repealing closed waters in Registration Area A to open Chaik Bay to commercial Dungeness crab fishing. We support providing opportunity in this productive area that was traditionally commercially fished.

**PROPOSAL #157 PVOA OPPOSES** closing waters in Registration Area A to include Coffman Cove to commercial Dungeness crab fishing in the summer months. We are opposed to action that restricts commercial fishing and allows the continuance of sport fishing which in some cases matches or exceeds commercial harvest. **See comments for proposal #144.**

**PROPOSAL #158 PVOA S OPPOSES** closing waters in Registration Area A to commercial Dungeness crab fishing from the north end of Wrangell Narrows to Mountain Point for five years. We are opposed to action that restricts commercial fishing and allows the continuance of sport fishing which in some cases matches or exceeds commercial harvest. **See comments for proposal #144.**

**PROPOSAL #159 PVOA OPPOSES** closing waters in Registration Area A to include Naukati Bay. We are opposed to action that restricts commercial fishing and allows the continuance of sport fishing which in some cases matches or exceeds commercial harvest. **See comments for proposal #144.**

**PROPOSAL #160 PVOA SUPPORTS** general provisions for sport season and bag, possession, annual, and size limits (bag limit) to lower the sport bag limit for Dungeness and tanner crab. This provides reasonable bag limits for sport fishing.

#### **SPORT & ECOTOURISM CRAB**

**PROPOSALS #161, #162 & #163 PVOA OPPOSES** guided sport ecotourism requirements. Our position is that requirements for guided sport ecotourism are too relaxed, and it is our understanding that George Inlet was granted a temporary special-use permit that closes the area to commercial fishing (**See comments for proposal #144**). The Board determined in 2008 that the George Inlet Guided Sport Ecotourism fishery is a variation of guided sport fishing, therefore, Clients who wish to handle gear are choosing to engage in a sport fishing activity and must possess a valid sport fishing license according to regulations.

#### **CUSTOMARY & TRADITIONAL USE/SUBSISTENCE**

**PROPOSAL #164 - #168** customary and traditional subsistence uses of shellfish stocks is an issue PVOA is reluctant to support in that they can potentially have severe allocative impacts on the commercial fleet that has traditionally harvested these species. We look forward to continuing to discuss this important issue at the BOF meeting to determine the best course of action.

#### **TANNERS, SPORT & PERSONAL USE**

**PROPOSAL #169 PVOA SUPPORTS** personal use Tanner crab fishery amendments that allow take from July 1 to June 15.

**PROPOSAL #170 PVOA SUPPORTS** general provisions for season and bag, possession, annual, and size limits and personal use Tanner crab fishery.

**KING & TANNER CRAB**

**PROPOSAL #173 PVOA SUPPORTS** Section 11-A red and blue king crab management and allocation plan to change the allocation of red and blue king crab to personal use fishery in Section 11. PVOA submitted this proposal because a strong healthy population in District 11 is an important component in order to reach the biomass levels necessary in order to conduct a commercial red king crab fishery. *By allowing the un-harvested commercial crab component of the stock to stay in the water, it should help the rebuilding process or maintaining a healthy population*, particularly when the stocks are slightly depressed. ADFG was concerned enough about the District 11 stocks that they closed the 2007 summer season early and no commercial fishery has taken place in three years.

**PROPOSAL #174 PVOA OPPOSES** red and blue king crab management and allocation plan to restrict commercial crab fishing in Section 11-A due to concerns addressed in proposal #173.

**PROPOSAL #176 PVOA SUPPORTS** personal use king crab fishery amendments in the personal use king crab fishery and the comments made by the Department regarding their proposal.

**PROPOSAL #177 PVOA SUPPORTS** Guideline harvest ranges for Registration Area A if the numbers warrant, and we look forward to our continued involvement with the King and Tanner Task Force to work towards a common goal.

**PROPOSAL #178 PVOA SUPPORTS** Southeast Alaska golden king crab management plan proposal to manage on historical fishery performance, catch, and population structure information through in-season management.

**PROPOSAL #179 PVOA SUPPORTS** lawful gear for Registration Area A as this proposal that allows a permit holder to keep legal king crab harvested in a tanner pot when both seasons are open in that area if they are a dual permit holder. There would be less handling and release and more efficient capture of king crab.

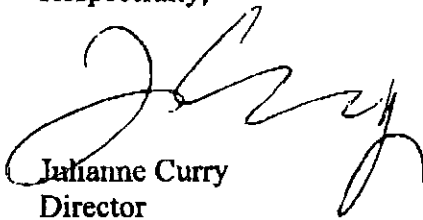
**PROPOSAL #180 PVOA OPPOSES** prohibiting square pots for golden king crab as we are opposed to taking away gear from commercial fishermen. It is our understanding that the amount of halibut taken in these pots is minimal, and is not the cause of halibut depletion.

**PROPOSAL #183 PVOA SUPPORTS** the Department's Tanner crab gear storage for Registration Area A proposal to correct the inconsistencies between king and Tanner gear storage requirements.

**PROPOSAL #185 PVOA SUPORTS** the proposal amending the regulation for lawful gear for Registration Area A but **OPPOSES COMPONENT 3** which would allow for the stacking of brown crab permits.

Thank you very much for consideration of our comments on these proposals. We look forward to further discussing these proposals at the January meeting in Petersburg. If we can answer any questions or provide any additional information please feel free to contact us.

Respectfully,

  
Julianne Curry  
Director

Arthur & Linnea Osborne  
F/V Mongoose  
P.O. Box 240925  
Douglas, Alaska 99824-0925

Board Support Section  
Alaska Department of Fish and Game  
John Jensen, Chair  
1255 West 8<sup>th</sup> Street  
Juneau, Alaska 99811-5526

RECEIVED  
JAN 09 2009  
BOARDS

RE: SE Shellfish Proposals – January 2009

*I have over 25 years of experience as a commercial crab fisherman and my wife Linnea, served on the local advisory committee for over ten years. We are respectively submitting the following feedback on Southeast shell fish proposals #145 and #146 and request your consideration of our information.*

**Proposal #145 – Support proposal to amend the regulation to specify crab measurement devises and allow for broken spines.**

*We support this proposal because consistent application of a standard measurement tool can only improve our industry and appears to be required by state statute 45.75.050 through the adoption of the National Bureau of Standards (Handbook 44).*

*A few years ago I was pleasantly surprised and impressed when during a routine boarding outside of Hoonah, an enforcement official introduced a machined aluminum crab measure with a complete kit, including a standard (aluminum bar measuring 5.5 inches) to verify the vessel's crab measurers. The enforcement official (who was actually from another part of the state) indicated that this was required and that the equipment also had to be verified.*

*This observation contrasted greatly from an earlier boarding in the Juneau area, where a plastic crab measure, similar to those purchased from the local hardware store was used. It is common knowledge within the crab industry that plastic crab measures have a much higher degree of inaccuracy during extreme weather conditions, such as those experienced in the month of February and no standard was provided to verify the accuracy of the vessel's crab measures.*

*Since the boarding resulted in legal action both crab measurers were taken in as evidence – the fisherman's measure by the state and the enforcement's measure through the court by the fisherman. Both plastic measures were measured by a caliber and neither one measured at 5.5 inches. The resulting court case centered over approximately 18 crabs and the average measurement of 43/1000 of an inch (based on enforcements measurements of the seized crab, which had been frozen for over 1 year in*

COMMENTS

29

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an unprotected box). Based on this experience, I currently provide my crew with cast aluminum crab measures and a standard of a micrometer to verify the crab measures during each fishery. The micrometer measures up to 1/1,000<sup>th</sup> of an inch on the inside and 1/10,000<sup>th</sup> on the outside.

I am hoping that the adoption of proposal 145 will result in a consistent statewide application of a fair measurement system by enforcement.

**Proposal #146 – Support proposal to amend the regulation to allow a 2 percent tolerance for mistakes made in sorting crab**

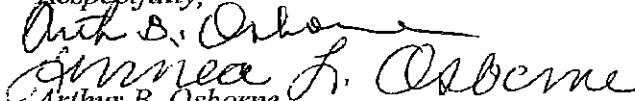
We support this proposal because it would be an official allowance that would supercede all of the "informal rule of thumb rules" that currently exist. When faced with court action, I found that a myriad of understandings exist, in addition to zero tolerance. For example, one scenario showed that a 4% Industry standard was cited and accepted in one court case (*Dye v. State*), another scenario, a retired ADF&G crab biologist from Southeast had agreed to testify on my behalf that fisherman were not prosecuted if the undersized crab represented less than 5.5% of the total load, and in discussions with other fisherman, it became apparent enforcement has conducted boardings resulting in undersized crab but have chosen not to issue citations. In addition to the informal subjective rules being applied, measurement inconsistencies or incorrect handling by both fisherman and enforcement may result in costly litigation for both parties so a 2% tolerance may provide a reasonable savings in time and cost without creating further exploitation of the resource.

In summary, a 2% tolerance addresses our concerns pertaining to:

- crab deemed as illegal due to broken spines;
- In perfect science of measuring crab
- Poor harvesting conditions resulting from current resource management style, such as, derby style openings with short soaking periods preventing escape rings from working and fishing in poor weather
- The inability to retrieve little crab that trailer legal crab into the hold until unloading time, at which time, the fisherman is informed they cannot legally return the live crab back to the water

Thank you for the opportunity to providing our opinions and sharing our experience with you on these topics.

Respectfully,

  
Arthur B. Osborne  
Linnea L. Osborne

CONFIDENTIAL 29

RECEIVED TIME JAN. 10. 4:01PM

4/2  
PRINT TIME JAN. 10. 4:03PM

Peter and Pamela DiSarro  
P.O. Box WWP – Whale Pass  
Ketchikan, AK 99950-0280

RECEIVED  
JAN 12 2009

January 6, 2009

BOARDS

ATTN: BOF Comments  
Boards Support Section  
Alaska Department of Fish and Game  
P.O. Box 115526  
Juneau, AK 99811-5526

RE: Proposition 155

We strongly oppose the passage of Proposition 155. Specifically the section titled “Issue: Open commercial Dungeness crab fishing in the fall season in the Whales pass closure area. The conflict with summertime resident of the Whales Pass area does not occur in the fall fishery, as by then the summertime residents with small skiffs have left the area.”

We oppose Proposition 155 for the following reasons:

The proponents of Proposition 155 offer no support for their misleading assertion that, by fall, “summertime residents with small skiffs have left the area.” This assertion is nothing more than a supposition and is, of course, false. To our knowledge, no study has been made as to when “summertime” residents depart the area, nor what boats are owned by such persons.

- ⊙ Whale Pass residents, as well as others from Prince of Wales island, rely on crab as a food source **year round**. The very small area of Whale Passage that is closed to commercial crab pots, allows the community residents to continue to supplement their food supply without boating long stretches to more unprotected waters in rough weather. (Many Whale Pass residents are seniors.) Notably, weather conditions in the fall are typically more adverse than in summer and is not suitable for small craft – for **safety** reasons, not simply comfort.
- Whale Pass is not just “summertime residents”. It is a year round community! Residents without road access must boat to shore throughout the year. In the past, commercial crab pots strung throughout the bay have been a hazard for residents and visitors boating between their homes and the community dock. Particularly in the fall and winter, residents having no road access, are required to travel after dark. The saturation of commercial crab pots presents a safety hazard to such travel.
- The saturation of commercial crab pots throughout the bay is a hazard to float planes landing at the state float. As was noted when the Board of Fisheries closed the small area now sought to be opened, the float planes are not only the sole

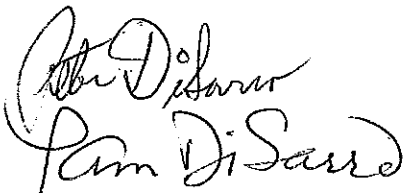
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source for mail delivery to Whale Pass and the surrounding area, they provide non-road transportation and allow for medical evacuations from the area. In the past the mail plane has had difficulty navigating around the commercial pots' buoys and lines located in the landing area. The need for this safety zone has not decreased since the closure. We invite the Board to come and observe for itself how densely gathered the commercial pots are along the line dividing the closed area from the rest of the bay during the commercial seasons. The navigational difficulty is real, for boats and planes.

- The area **not** closed to commercial crabbers (completely circling Thorne Island) has protected areas for larger boats. The commercial crabbers have more than adequate "commercial opportunity" in that area – less than 10% of Whale Passage was closed. If they are allowed to saturate the entire bay with crab pots, there will be no crab left for anyone. In the past, the commercial crab pots literally wiped out the crab population.
- None of the conditions justifying this limited closure five years ago have changed, with the single exception that the benefitting population has increased and subsistence needs have increased with the increasingly dismal economy of the area. There has been no evidence offered that commercial crabbing opportunities have been significantly impaired nor, as was argued by the commercial interests five years ago, that there has been a proliferation of similar closures around "all communities in Southeast Alaska."
- Finally, the proponents make no reference to their real concern which was discussed at length during negotiations of a compromise regarding the closure five years ago. We are once again left to wonder why the commercial fishermen attempt to take an unreasonable allocation of limited resources from the private individuals resident in the Whale Pass area when the real beef is with other competing commercial interests' lack of respect for the rules promulgated by the Board of Fisheries. Specifically, the beef is with the lodge operators and charter fishing groups who, according to the commercial crabbers, are not observing the commercial closure area. On this issue, we agree with the commercial crabbers – if lodges are violating established rules by harvesting crab for their customers while ignoring certain closures, such should be stopped. However, that is an enforcement issue which is not addressed by this proposal. This proposal is not the way to solve the allocation between competing commercial interests.

Sincerely,  
Peter and Pamela Disarro

Handwritten signatures of Peter and Pamela Disarro. The signature for Peter is written above the signature for Pamela.