ALASKA DEPARTMENT OF FISH AND GAME

STAFF COMMENTS ON DUNGENESS CRAB, SHRIMP, MISCELLANEOUS SHELLFISH, AND SUPPLEMENTAL ISSUES

ALASKA BOARD OF FISHERIES MEETING
ANCHORAGE, ALASKA

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The following staff comments were prepared by the Alaska Department of Fish and Game for use at the Alaska Board of Fisheries (Board) meeting, March 16–20, 2009 in Cordova, Alaska. The comments are forwarded to assist the public and Board. The comments contained herein should be considered preliminary and subject to change, as new information becomes available. Final department positions will be formulated after review of written and oral public testimony presented to the Board.

ABSTRACT

This document contains Alaska Department of Fish and Game (ADF&G) staff comments on Dungeness crab, shrimp, miscellaneous shellfish, and supplemental issues regulatory proposals for statewide management areas. These comments were prepared by ADF&G for use at the Alaska Board of Fisheries meeting, March 16–20, 2009 in Anchorage, Alaska. The comments are forwarded to assist the public and Board. The comments contained herein should be considered preliminary and subject to change, as new information becomes available. Final department positions will be formulated after review of written and oral public testimony presented to the Board.

Key words: Alaska Board of Fisheries, staff comments, Dungeness crab, shrimp, miscellaneous shellfish, management, regulatory proposals, and supplemental issues.

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TABLE OF CONTENTS

Summary of Department Positions on Board of Fish 2009 Dungeness Crab, Shrimp, Miscellaneous Shellfish, and Supplemental Issues iii

COMMITTEE A: DUNGENESS, SCALLOPS, AND SUBSISTENCE SHELLFISH, AND STATEWIDE GROUNDFISH (9 PROPOSALS)

Kodiak Dungeness
356 - Allow Dungeness crab fishing vessels to simultaneously tender Dungeness crab for other fishing vessels. 1

Statewide Dungeness
357 - Increase allowable twine size on Dungeness pots from 60 to 90. 4

Kodiak Scallops
358 - Open a closed-water area to scallop fishing under an exploratory scallop fishing permit. 6

Statewide Scallops
359 - Clarify reporting requirements for statewide scallop fisheries. 9

Cook Inlet Scallops
360 - Repeal Commissioner's permit for Kamishak District scallop fishery and put into effect management elements previously stipulated in permit. 10

Alaska Peninsula Subsistence Shellfish
361 - Allow subsistence fishing by proxy in Alaska Peninsula shellfish fishery 11
362 - Increase the pot limit for the subsistence king crab 12

Statewide Groundfish
375 - Require that all groundfish taken in a commercial fishery to be reported on a fish ticket statewide 13

Statewide – Prohibition on blocking channels
378 - Clarify subsistence and personal use regulations that prohibit the obstruction of more than one-half or two- thirds of a stream or channel. 17

COMMITTEE B: COOK INLET RAZOR CLAMS, MISC. SHELLFISH, SUPPLEMENTAL ISSUES, AND DEFERRED PROPOSALS (8 PROPOSALS)

Prince William Sound commercial shrimp pot fishery
44A – Establish a commercial shrimp pot fishery management plan. 21
49 – Allow sport and commercial seasons for shrimp to run concurrently. 25

Cook Inlet Clams
363 - Reduce razor clam limit to 30 per day. 26
364 - Reduce razor clam limit in Clam Gulch to the first 15 dug. 28
365 - Reduce razor clam limit to 25 30

Cook Inlet Miscellaneous Shellfish
366 - Close commercial, sport, and personal use shellfish harvest in Kachemak Bay (Shipwreck Cove and Otter Rock) from April 15 through September 15. 32

Statewide personal use
367 - Allow for written permission to use another person's shrimp or crab gear. 34

Bristol Bay – Naknek River
377 – Increase allowable length of set gillnets from 25 fathoms to 35 fathoms for the Naknek River Special Harvest Area in Bristol Bay. 35

Staff comments listed by proposal number, department position, description of the proposal, and page number.

Proposal Number	Dept. Position	Brief Description	Page
44A	S	PWS Shrimp pot fishery management plan	21
49	N	Allow sport and commercial seasons for shrimp to run concurrently	25
356	N	Allow Dungeness crab fishing vessels to simultaneously tender Dungeness crab for other fishing vessels	1
357	O	Increase allowable twine size on Dungeness pots from 60 to 90	4
358	O	Open a closed-water area to scallop fishing under an exploratory scallop fishing permit	6
359	S	Clarify reporting requirements for statewide scallop fisheries	9
360	S	Repeal Commissioner's permit for Kamishak District scallop fishery and put into effect management elements previously stipulated in permit	10
361	O	Allow subsistence fishing by proxy in Alaska Peninsula shellfish fishery	11
362	O	Increase the pot limit for the subsistence king crab fishery	12
363	O/N	Reduce razor clam limit to 30 per day	26
364	O/N	Reduce razor clam limit in Clam Gulch to the first 15 dug	28
365	O/N	Reduce razor clam limit to 25	30
366	N	Close commercial, sport, and personal use shellfish harvest in Kachemak Bay	32
367	N	Allow for written permission to use another person's shrimp or crab gear	34
375	S	Require that all groundfish taken in a commercial fishery to be reported on a fish ticket statewide	13
377	S	Increase allowable length of set gillnets from 25 fathoms to 35 fathoms for the Naknek River Special Harvest Area in Bristol Bay	35
378	S	Clarify prohibition on blocking a channel in areas with a braided stream or multiple channels statewide	17

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COMMITTEE A: DUNGENESS, SCALLOPS, AND SUBSISTENCE SHELLFISH, AND STATEWIDE GROUNDFISH

Kodiak Dungeness

PROPOSAL 356 - 5 AAC 32.033. Tenders for Dungeness crab.

PROPOSED BY: Rick Ellingson.

WHAT WOULD THE PROPOSAL DO? This proposal would allow validly registered vessels fishing for Dungeness crab to simultaneously harvest and transport their own Dungeness crab catch in addition to tendering Dungeness crab from other validly registered vessels fishing for Dungeness crab in the Kodiak District of Registration Area J.

WHAT ARE THE CURRENT REGULATIONS? Under statewide provisions (**5 AAC 32.033**), a vessel used to tender Dungeness crab may not have Dungeness crab gear on board and may not be used to fish for Dungeness crab while tendering. Tender operators must register with ADF&G in the appropriate registration area or district prior to taking Dungeness crab deliveries, then report the amount, by weight or number of Dungeness crab on board, as well as the vessel's unloading destination to the department prior to leaving the designated registration area or district. There are no additional regulations specifically defining tender operations for the Kodiak District or Registration Area J.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? If adopted, this proposal will allow smaller vessels with limited hold capacity or vessels operating in remote locations the opportunity to deliver their Dungeness crab catch to a larger catcher/tender and remain on the fishing grounds for longer periods of time. Additional directed fishing time may decrease operating expenses for some fishers and potentially increase harvests of Dungeness crab in some areas of the Kodiak District. This proposal may also improve safety conditions for smaller vessels by allowing them to deliver their catch to larger vessels for final transport to processors during periods of poor weather.

Dungeness crab would transfer from the CFEC permit holder to the tender operator/fisherman at the time of delivery (5 AAC 39.130 (k)(6)). The tender operator would be the first purchaser of raw fish. The delivery would be recorded on a fish ticket. The tender operator may act as an independent buyer (5 AAC 39.130 (k)(10)).

BACKGROUND: The Kodiak District Dungeness crab fishery is an open access fishery. Currently, ADF&G does not have a stock assessment program for Dungeness crab in the Westward Region. Due to the lack of assessment and stock specific data, there are no guideline harvest levels (GHL) or other harvest thresholds established for the Dungeness crab fishery. The fishery is managed by regulating sex, size, and season ('3-S' management). Dungeness crab may be taken from May 1 to January 1 in most of the Kodiak District. South of the line from the southernmost tips of Boot Point (Eastside Kodiak Island) and Cape Ikolik (Westside Kodiak Island), Dungeness crab may only be taken from June 15 through January 1 (Figure 1). Only male crab 6.5' carapace width (CW) or larger may be retained during the open fishing

season. There are no vessel size restrictions or pot limits in the Kodiak District Dungeness crab fishery. During 2008, vessels registered for Dungeness crab in the Kodiak District ranged from 24 to 95 feet in total length with a district wide average of 48 feet. The number of pots fished by Dungeness crab vessels during 2008 ranged from 100 to 1650 pots per vessel with a district wide average of 650 pots per vessel. Participants must hold a valid CFEC interim use permit card and obtain a registration and tank inspection from ADF&G prior to fishing.

Dungeness crabs were first commercially harvested in Kodiak District in 1962. Commercial harvests peaked in the late 1960s, then slowly declined through the late 1970s. This trend was reversed starting in the early 1980s when declines of other commercially harvested Alaskan shellfish created renewed interest in Kodiak Dungeness crab. As a result, effort and harvest rebounded considerably and remained relatively stable through the late-1980s. Beginning in 1991, Dungeness crab harvests declined sharply and continue to remain at comparatively low levels (Table 1). This decline likely reflected the unavailability of legal crab due to fluctuations in recruitment. In recent years, the Kodiak District fishery has been prosecuted primarily on crabs newly recruited to legal size. An additional factor limiting the fishery is the documented occurrence of paralytic shellfish poisoning (PSP) in Kodiak District Dungeness crabs. The Alaska Department of Environmental Conservation (ADEC) placed restrictions on the sale of live and whole cooked crabs in 1992, which remain in effect through today. In recent years, the majority of Kodiak District Dungeness crab harvests have occurred around Sitkinak and Tugidak Islands (Figure 1).

Figure 1. Map of the Kodiak District and Dungeness crab fishery seasons.

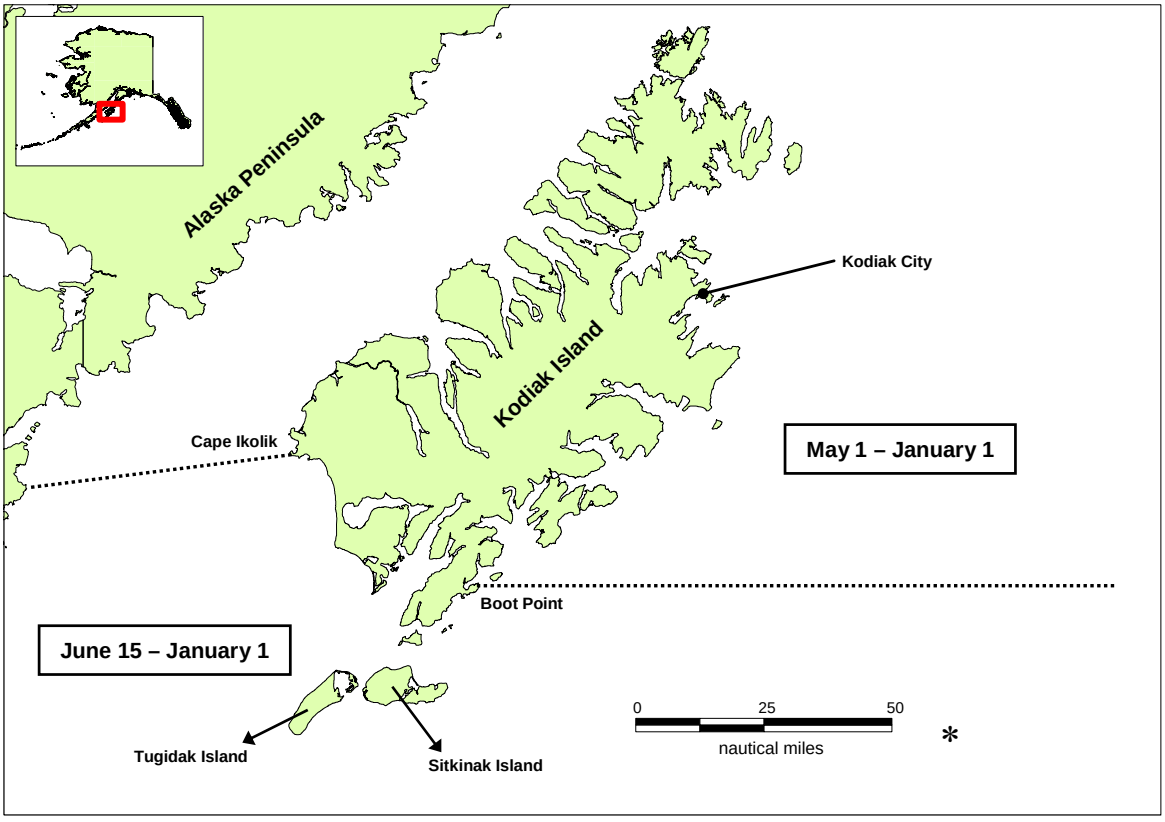


Table 1. Dungeness crab commercial catch, effort, and value in the Kodiak District 1988-2008.

	Number				Pots	Avg. Lbs	Avg.	Avg. Price	Exvessel
Year	Vessels	Landings	Crab	Pounds[a]	Lifted	Per Landing	CPUE	Per Lb ($)	Value ($)
1988/89	50	363	1,064,387	2,125,114	203,217	5,854	5	1.06	2,253,000
1989/90	47	359	1,428,973	3,077,937	185,242	8,574	8	1.10	3,385,730
1990/91	62	519	1,301,465	2,937,433	296,168	5,660	4	1.54	4,435,000
1991/92	62	732	695,470	1,414,499	279,872	1,932	1	1.37	1,938,000
1992/93	46	501	805,215	1,656,793	218,602	3,306	3	0.86	1,425,000
1993/94	42	263	647,736	1,369,889	180,534	5,209	5	0.92	1,260,000
1994/95	31	162	426,848	948,461	151,888	5,855	5	1.20	1,138,000
1995/96	24	106	257,677	527,434	107,506	4,976	4	1.72	907,000
1996/97	21	113	334,237	668,772	88,682	4,223	4	1.01	675,460
1997/98	21	123	257,697	529,550	95,066	4,305	3	2.04	1,080,282
1998/99	12	60	185,249	371,241	63,926	6,187	3	1.45	538,299
1999/00	13	72	269,277	551,183	65,721	7,655	4	1.57	849,555
2000/01	12	69	114,038	238,955	57,037	3,463	2	1.65	394,276
2001/02	21	57	101,371	208,265	41,760	3,654	2	1.95	392,080
2002/03	18	74	181,698	353,849	71,096	4,782	3	1.46	520,493
2003/04	17	89	228,309	467,623	48,715	5,254	5	1.50	695,000
2004/05	11	59	169,807	351,986	42,136	5,966	4	1.48	518,000
2005/06	14	75	185,165	390,547	63,170	5,207	6	1.25	485,519
2006/07	12	62	74,033	148,502	31,570	2,395	2	1.45	215,328
2007/08	12	86	323,489	663,077	65,071	7,710	10	2.07	1,372,569
2008/09	17	87	522,559	1,031,603	94,265	5,824	5	2.20	2,186,964
Averages									
20-year	27	192	455,938	953,939	116,726	5,142	4	1.47	1,269,788
10-year	15	73	216,975	440,559	58,054	5,191	4	1.66	762,978
5-year	13	74	255,011	517,143	59,242	5,421	5	1.69	955,676

[a] Includes deadloss

DEPARTMENT COMMENTS: ADF&G is **NEUTRAL** on this proposal. If adopted, ADF&G does not anticipate significant changes in management of Dungeness crab in the Kodiak District as the fishery is likely to be managed using the '3-S' management strategy for the foreseeable future. Given the complexity of Dungeness crab fisheries in other areas of the state, such as Southeast Alaska, this proposal should not be used as a basis for adopting similar regulations in those areas.

COST ANALYSIS: Adoption of this proposal is not expected to result in additional direct costs for private individuals to participate in this fishery.

Statewide Dungeness

PROPOSAL 357 - 5 AAC 39.145 (1). Escape mechanism for shellfish and bottomfish pots.

PROPOSED BY: Dick Gregg.

WHAT WILL THE PROPOSAL DO? This proposal seeks to change the statewide biodegradable twine requirement in commercial, personal use, subsistence, and sport Dungeness crab pots from 60 thread to 90 thread.

WHAT ARE THE CURRENT REGULATIONS? The statewide biodegradable escape mechanism regulation applies to commercial, personal use, subsistence, and sport Dungeness crab pots. The regulation specifies that all shellfish and bottomfish pot gear must have an 18-inch opening laced with 100 percent cotton twine of no more than 30 thread, except Dungeness crab pots may instead have the lid tie-down straps secured to the pot at one end by a single loop of untreated 100 percent cotton twine no larger than 60 thread secured so that when the twine degrades the lid will no longer be securely closed. Alternatively, the regulation permits the use of a length of 36-thread treated or untreated twine in conjunction with a 30-day galvanic timed release (GTR) device to lace close an opening 18 inches in length.

WHAT WILL BE THE EFFECT IF THE PROPOSAL IS ADOPTED? If this proposal is adopted commercial, personal use, subsistence, and sport fishermen could use 90 thread instead of 60 thread twine to secure the lid of Dungeness crab pots. Dungeness crab fishermen would presumably change their biodegradable twine less often. Lost or not actively worked pots would hold crabs for a longer period before the biodegradable twine failed.

BACKGROUND: Commercial Dungeness crab fishing has occurred in the following management areas and districts: Southeastern Alaska, Yakutat, Prince William Sound, Cook Inlet, Kodiak, Chignik, Alaska Peninsula, North Peninsula, and Aleutian Islands. Most of the currently active Dungeness crab fisheries last 3 to 4 months.

The current biodegradable twine requirement for Dungeness crab pots, 60 thread, was not intended to remain intact for an entire fishing season. The current biodegradable requirement was based on the premise that crabs should not be held for more than 30 days. This is reflected in the current regulation where the Alaska Board of Fisheries (board) allowed for a 30-day GTR device as an alternative to the biodegradable twine. Recent anecdotal information from Kodiak Dungeness crab fishermen indicates that the current 60-thread cotton twine lasts from 4 to 6 weeks. A brief summary of regulations governing requirements on biodegradable twine follows.

In 1978, the board required an opening laced with 120-thread 100 percent cotton twine in shellfish pots. During the 1988 Cook Inlet Tanner crab fishery, delinquent pots left in the

water for 60 days following the fishery were found to have their 120-thread cotton twine intact and the pots killed a large number of Tanner crabs through ghost fishing. In response, in 1989 a study of cotton-twine degradation rates was conducted in Cook Inlet. Average degradation times of 74, 79, and 80 days respectively for 30, 42, and 60 thread 100 percent cotton twine were found when pots were operated by hooking and unhooking three times per week.

ADF&G used these results to propose to the board in 1990 that the cotton twine requirement be changed from 120 to 30 thread. The board adopted a change to 30-thread twine. Subsequently, the 30-thread twine was found by Dungeness crab fishermen to break in as short a time as 37 days when actively used in fishing during summer in Duncan Canal of Southeast Alaska. As a result, the board in 1991 raised the size of twine allowed in Dungeness crab pots to 60 thread. For the remaining pot fisheries, however, the twine size remained at 30 thread. Also in 1991, the board heard testimony from a member of the public regarding the use of GTR devices. Recognizing their potential to provide a more accurately timed escape mechanism, the board directed the department to conduct a study on their use and report back via a proposal to change the existing regulation or a report detailing why the GTR would not be a suitable alternative. This resulted in a cooperative study between ADF&G, the University of Alaska, and commercial pot fishers that showed GTRs of various thicknesses could be used to accurately target biodegradation periods. Subsequently, in 1993, the results of the study were presented to the board and the regulation was amended to provide for optional use of a 30-day GTR in combination with 36-thread treated or untreated cotton twine.

Lost Dungeness crab pots will ghost fish before the biodegradable twine releases. Studies show lethal and sublethal effects of confinement on crabs in as short as 30 days or less. These effects can range from weight loss, leg loss, carapace damage, and death depending on the shell condition of the crab, the time period of confinement and the density of crabs in the pot.

The department acknowledges that biodegradable twine needs to be replaced at specific intervals during the fishing season or it will fail. Changing biodegradable twine on Dungeness crab pots is a quick process that can be accomplished throughout the fishing season. ADF&G believes that fishermen who are conscientious in checking their pots throughout the season can comply with the existing biodegradable mechanism with little impact to fishing operations. If fishermen are not actively checking pots, there could be lost harvest opportunity as the twine will degrade.

DEPARTMENT COMMENTS: The department **OPPOSES** this proposal as information from the fishing grounds indicates that the 60-thread twine lasts at least 30 to 40 days. Switching to a larger thread size would mean that pots would likely remain intact for 50 to 60 days, or longer. ADF&G believes that holding Dungeness crabs, as well as other crab species captured in Dungeness pots, for this length of time will result in direct and indirect mortality and injury.

COST ANALYSIS: Adoption of this proposal is not expected to result in additional direct costs for private individuals to participate in this fishery.

Kodiak Scallops

PROPOSAL 358 – 5 AAC 38.425. Closed waters for scallops in registration area J.

PROPOSED BY: Alaska Scallop Association.

WHAT WOULD THE PROPOSAL DO? This proposal would open an area currently closed to scallop fishing near the south end of Kodiak Island. In the proposed area, fishing would be authorized under an exploratory fishing permit issued by ADF&G. This proposal would also increase the Kodiak Area (Area K) weathervane scallop guideline harvest range (GHR) of zero to 300,000 pounds of shucked meats to a GHR of zero to 400,000 pounds of shucked meats.

Proposed Regulatory Language:

5 AAC 38.430 (1) would be amended to:
In waters of Scallop Registration Area K, the guideline harvest range is zero to 400,000 pounds of shucked meat; except that for the open area described in 5 AAC 38.425 (1), a person may take weathervane scallops only if the department issues the person a permit under 5 AAC 38.076 (e) for exploratory fishing for new scallop beds.

5 AAC 38.425 (1) would be amended to:
Except for the area contained within a line from 57º 00 N 156º 19 W, then to 57º 00 N 155º 00 W, then to 55º 57 N 155º 00 W, then to 55º 57 N 156º 19 W, then back to 57º 00 N 156º 19 W which would be open from the period July 1 through February 15.

WHAT ARE THE CURRENT REGULATIONS? Waters south and west of Kodiak Island are closed to weathervane scallop fishing (Figure 1). The current GHR for scallops in Registration Area K is zero to 300,000 pounds of shucked meats. Scallops may be taken in the Kodiak Area from July 1 through February 15 unless superseded by emergency order (EO).

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? If adopted, this proposal would allow for additional fishing opportunities for weathervane scallops in the Kodiak Area. Given the lack of scallop population assessment data in the proposed area, the extent of scallop harvest and crab bycatch is unknown.

BACKGROUND: Weathervane scallops in waters of the Exclusive Economic Zone (EEZ) off Alaska are managed by the State of Alaska and the federal government. The scallop Fishery Management Plan (FMP) developed by the North Pacific Fishery Management Council (NPFMC) defers most management to the state although a License Limitation Program (LLP) is implemented by the federal government to restrict fleet size. The statewide fishery is limited to a total of nine vessels: seven vessels using two 15-foot dredges and two vessels using a single six-foot dredge. With the exception of scallop vessels operating in Cook Inlet, all vessels are required to carry an independent onboard observer while fishing. A crab bycatch cap of one percent of the surveyed crab population is used in areas where a directed commercial crab fishery occurs during the same year. If an area has not opened to commercial crab fishing during the most recent season, a cap of one-half of one percent is applied. An area is closed to scallop fishing when the GHL is attained or crab bycatch exceeds the established limit.

The statewide optimum yield (OY) for weathervane scallops as established in the FMP is capped at 1.24 million pounds of shucked meats annually. The GHR for each registration area in the state is based on historical harvest levels in those areas. The GHRs for all registration areas combined may not exceed the OY of 1.24 million pounds of shucked meats (Table 1).

Table 1. Statewide weathervane scallop guideline harvest ranges (GHR) by registration area.

Area	GHR Upper Limit
Yakutat	250,000
District 16	35,000
PWS	50,000
Cook Inlet	20,000
Kodiak	**300,000**
Alaska Peninsula	100,000
Bering Sea	300,000
Dutch Harbor	110,000
Adak	75,000
Total	**1,240,000**

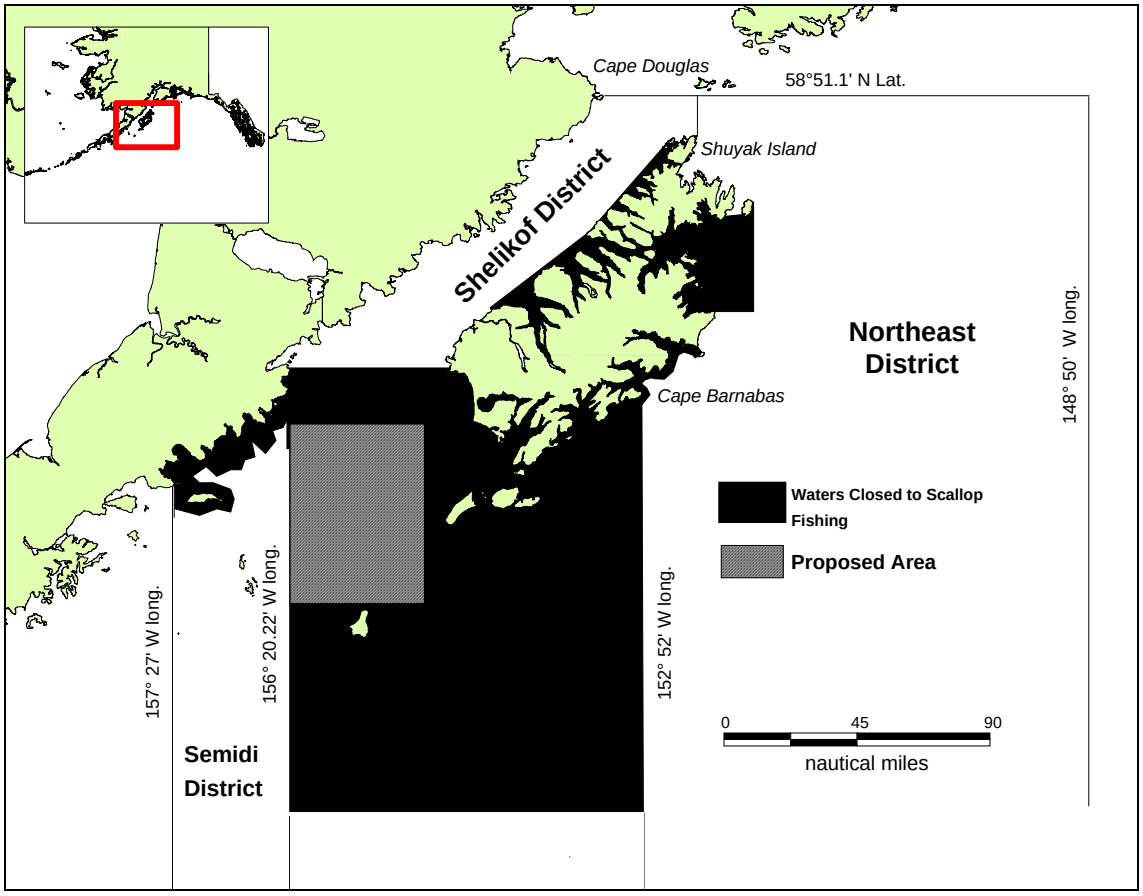
The proposed fishing area has been closed to scallop fishing since 1969 due to crab bycatch concerns in the area. Approximately 140,000 pounds of shucked meats were landed during the two years prior to the closure. A permit authorizing exploratory scallop dredging in the proposed area was issued to the C/P Provider in 1993. An ADF&G biologist and observer trainer from the University of Alaska were on board the vessel and sampled 40 tows for catch composition and crab bycatch. Scallop catches were relatively high at 85 pounds of shucked meats per tow. No commercial crab species were present in the 40 tows sampled.

Substantial populations of red king crab and Tanner crab were present in the proposed area during the 1970s and early 1980s. Data from ADF&G pot surveys indicate king crab abundance peaked in 1974, while Tanner crab abundance peaked in 1978. However,

populations of both species declined dramatically throughout the 1980s and 1990s. Based on ADF&G trawl survey tows conducted in the proposed area from 1995-1999, a total of one king crab was captured and an average of 19 Tanner crabs were caught per kilometer towed. As a precautionary note, ADF&G trawl survey information in the proposed area is limited. Only three survey stations are consistently monitored, typically every three years. These survey stations are located on the eastern most boundary of the proposed area. ADF&G trawl surveys during 2002, 2005, and 2008 in the same approximate areas as the 1995-1999 surveys indicate Tanner crab abundance has increased slightly in the proposed area. However, crab numbers south and west of Kodiak Island remain below threshold for a commercial king or Tanner crab fishery. From 2002-2008, zero king crab and an average of 119 Tanner crabs were caught per kilometer towed in the proposed area.

Commercial bottom trawl vessels target groundfish in the proposed area, typically from January through April. During the 2008 season, 23 bottom trawl vessels made 51 deliveries from waters within the proposed area. Pacific cod, arrowtooth flounder, rock sole, and pollock were the primary species harvested.

Figure 1. Map of the proposed area and waters currently closed to scallop fishing in the Kodiak Area.



DEPARTMENT COMMENTS: ADF&G **OPPOSES** this proposal. A similar proposal was addressed at the March 2000 board meeting. At that time, the board concluded there was inadequate scallop stock information to prosecute a fishery. Although ADF&G has since established, and is in the process of refining a fishery-independent survey program using underwater video sampling, the proposed area has not been assessed due to budget constraints and its relative importance to other known and commercially exploited scallop grounds in the Kodiak Area. In the absence of directed scallop assessment surveys, data collected from federal groundfish observer reports, and ADF&G crab and groundfish trawl surveys, limits ADF&G's ability to prosecute a fishery that is consistent with sustainable scallop fisheries practices.

Currently the weathervane scallop GHR in the Kodiak Area is capped at 300,000 pounds of shucked meats. If adopted, this proposal would increase the annual GHR by 100,000 pounds. Since the statewide OY (1.24 million pounds) is fully allocated, 100,000 pounds of shucked meats would need to be reallocated to Kodiak from a different registration area in the state (Table 1). The department would need guidance from the board to determine how the proposed 100,000 pound increase would be allocated within the Kodiak Area if the proposal is approved.

COST ANALYSIS: Adoption of this proposal is not expected to result in additional direct costs for private individuals to participate in this fishery.

Statewide Scallops

PROPOSAL 359 - 5 AAC 38.076. Alaska Scallop Fishery Management Plan.

PROPOSED BY: Alaska Department of Fish and Game.

WHAT WOULD THE PROPOSAL DO? This statewide proposal seeks to place those management elements typically listed on the scallop vessel area registration into regulation. These include registration area check-in and check-out, catch reporting requirements, logbook requirements, completion of weekly fish tickets, and providing all king crab to the onboard observer.

WHAT ARE THE CURRENT REGULATIONS? Current regulation (**5 AAC 38.076**) requires scallop vessel operators to register and restricts participation in more than one registration area at a time.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? There would be no effective change to current management practices if the proposal were adopted. A scallop CFEC permit holder would still have to obtain a vessel registration.

BACKGROUND: Since adoption of 5 AAC 38.076. Alaska Scallop Fishery Management Plan, the elements listed in the proposal has been implemented via the area registration. However, the listed elements have not changed and as they address information critical to scallop fishery management, should be available in regulation to both agency personnel and the public.

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

COST ANALYSIS: Adoption of this proposal is not expected to result in additional direct costs for private individuals to participate in this fishery.

Cook Inlet Scallops

PROPOSAL 360 - 5 AAC 38.325. Permits for Scallops.

PROPOSED BY: Alaska Department of Fish and Game.

WHAT WOULD THE PROPOSAL DO? The proposal seeks repeal 5 AAC 38.325(a), the commissioner's permit requirement for scallop fishing in the Kamishak District of the Cook Inlet Area and to place into regulation those management elements listed as permit stipulations.

WHAT ARE THE CURRENT REGULATIONS? Regulation **5 AAC 38.325** requires a commissioner's permit and lists those management elements that the department may stipulate on.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? Adoption of the proposal would result in no change to current management practices but would require only a scallop area registration rather than a commissioner's permit.

BACKGROUND: The Kamishak District commissioner's permit requirement for scallop fishing has been in regulation for more than ten years. However, the permit stipulations have been unchanged and, as they address information critical to scallop fishery management, should be available in regulation to both agency personnel and the public.

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

COST ANALYSIS: Adoption of this proposal is not expected to result in additional direct costs for private individuals to participate in this fishery.

Alaska Peninsula Subsistence Shellfish

PROPOSAL 361 - 5 AAC 02.011 (D)(1) Subsistence fishing by proxy.

PROPOSED BY: Melanie Ludvick Rotter.

WHAT WOULD THE PROPOSAL DO? This proposal would allow a proxy to harvest subsistence shellfish on behalf of multiple beneficiaries in Bering Sea waters north of the Alaska Peninsula and east of Scotch Cap Light (166^{o} 44' W long.).

WHAT ARE THE CURRENT REGULATIONS? Currently, a proxy may subsistence fish for themselves and a beneficiary and may not take more than twice the legal bag limit, and may not possess more than twice the possession limit of a shellfish species in the waters where the fishing occurs (**5 AAC 02.011**).

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? The proposal did not specify a specific number of beneficiaries that a proxy would be allowed to fish for, thus the potential effect of this proposal is unknown. Presumably subsistence shellfish harvest and effort would increase by some unknown extent if this proposal were adopted.

BACKGROUND: Staff contacted the person who submitted this proposal because the specific goal of the proposal was not clear. The proposer indicates the intention of the proposal is to modify the subsistence shellfish proxy regulation to allow a proxy to fish for multiple beneficiaries to obtain king crab from Bering Sea waters north of the Alaska Peninsula. The daily subsistence bag and possession limit for king crab in the area addressed by this proposal is six per person (**5 AAC 02.620 (1)**). The daily subsistence bag and possession limit for Tanner crab in this area is 12 per person (**5 AAC 02.625**). No permit is required to participate in the subsistence fishery in this area, thus fishing effort and harvest are not well described, but are believed to be relatively limited.

DEPARTMENT COMMENTS: Given the lack of specifics contained in this proposal the department is **OPPOSED**. It is unknown to what degree subsistence fishing activities in this area would be impacted by this proposal. If the board were to adopt this proposal, the department requests that the board implement a subsistence shellfish permit and harvest reporting requirement for this area to allow for accurate tracking of harvest and effort. Potential increased harvests of king or Tanner crab that could occur if this proposal were adopted may need to be considered when setting the federal overfishing level for these crab stocks. Since the intent of this proposal is to address the subsistence king crab fishery in the Bering Sea Area, the board may want to consider if this proposal meets the regulatory call for proposals for this meeting cycle.

As noted in the Subsistence Regulation Review, below, the board has not made a finding regarding the amount reasonably necessary to provide subsistence fishing opportunities for king or Tanner crab in the Bering Sea Area (an ANS finding). Presently, data are not adequate to support such a finding for the area addressed in this proposal. If the board

were to adopt the proposal, the department recommends postponing an ANS determination for at least 3 years until data from subsistence permits are available upon which to base an ANS finding.

COST ANALYSIS: Adoption of this proposal is not expected to result in additional direct costs for private individuals to participate in this fishery.

SUBSISTENCE REGULATION REVIEW:

1. Is this stock in a non-subsistence area? No.
2. Is the stock customarily and traditionally taken or used for subsistence? Yes (5 AAC 02.608).
3. Can a portion of the stock be harvested consistent with sustained yield? Yes.
4. What amount is reasonable necessary for subsistence use? The Board of Fisheries has not made this determination.
5. Do the regulations provide a reasonable opportunity for subsistence use? This is a Board of Fisheries decision.
6. Is it necessary to reduce or eliminate other uses to provide a reasonable opportunity for subsistence use? This is a Board of Fisheries decision.

PROPOSAL 362 - 5 AAC 02.520. Subsistence king crab fishery.

PROPOSED BY: Melanie Ludvick Rotter.

WHAT WOULD THE PROPOSAL DO? This proposal seeks to increase the pot limit for the subsistence king crab fishery in Bering Sea waters north of the Alaska Peninsula and east of Scotch Cap Light (166^{o} 44' W long.).

WHAT ARE THE CURRENT REGULATIONS? Subsistence shellfish pot limits are specified in **5 AAC 02.010 (i)(1).** Except in the Kotzebue Sound Section and when fishing through the ice in the Norton Sound Section, no more than five pots per person and 10 pots per vessel may be used to take shellfish.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? The proposal does not request a specific pot limit, but if increased pot limits were adopted for the subsistence king crab fishery in the Bering Sea Area, it is assumed that there would be a corresponding increase in fishing effort and harvest.

BACKGROUND: Staff contacted the person who submitted this proposal because the specific goal of the proposal was not clear. The proposer indicates that this proposal would work in conjunction with proposal 361. The proposer states that the intention of this proposal is to modify the subsistence shellfish pot limits for Bering Sea waters north

of the Alaska Peninsula. Current pot limits for the subsistence shellfish fishery in this area are five per person and 10 per vessel (5 AAC 02.010 (i)(1))**.** No permit is required to participate in the subsistence fishery in this area, thus fishing effort and harvest are not well described, but are believed to be relatively limited.

DEPARTMENT COMMENTS: Given the lack of specifics contained in this proposal the department is **OPPOSED**. It is unknown to what degree subsistence fishing activities in this area would be impacted by this proposal. If the board were to adopt this proposal, the department requests that the board implement a subsistence shellfish permit and harvest reporting requirement for this area to allow for accurate tracking of harvest and effort. Potential increased harvests that could occur if this proposal were adopted may need to be considered when setting the federal overfishing level for the Bristol Bay red king crab stock. Since the intent of this proposal is to address the subsistence king crab fishery in the Bering Sea Area, the board may want to consider if this proposal meets the regulatory call for proposals for this meeting cycle.

As noted in the Subsistence Regulation Review, below, the board has not made a finding regarding the amount reasonably necessary to provide subsistence fishing opportunities for king or Tanner crab in the Bering Sea Area (an ANS finding). Presently, data are not adequate to support such a finding for the area addressed in this proposal. If the board were to adopt the proposal, the department recommends postponing an ANS determination for at least 3 years until data from subsistence permits are available upon which to base an ANS finding.

COST ANALYSIS: Adoption of this proposal is not expected to result in additional direct costs for private individuals to participate in this fishery.

SUBSISTENCE REGULATION REVIEW:

1. Is this stock in a non-subsistence area? No.
2. Is the stock customarily and traditionally taken or used for subsistence? Yes (5 AAC 02.608).
3. Can a portion of the stock be harvested consistent with sustained yield? Yes.
4. What amount is reasonable necessary for subsistence use? The Board of Fisheries has not made this determination.
5. Do the regulations provide a reasonable opportunity for subsistence use? This is a Board of Fisheries decision.
6. Is it necessary to reduce or eliminate other uses to provide a reasonable opportunity for subsistence use? This is a Board of Fisheries decision.

Statewide Groundfish

PROPOSAL 375 - 5 AAC 28.070. Groundfish possession and landing requirements.

PROPOSED BY: Alaska Department of Fish and Game.

WHAT WOULD THE PROPOSAL DO? This proposal seeks to amend this regulation to require that all groundfish taken in a commercial fishery be reported on a fish ticket.

WHAT ARE THE CURRENT REGULATIONS? The current regulations (**5 AAC 28.070 Groundfish possession and landing requirements**) require accountability of all retained pollock and Pacific cod in directed and non-directed fisheries.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? If adopted, all groundfish retained by a vessel would have to be documented on fish tickets. Managers must be aware of all fish removals. Complete harvest data will provide better management precision.

The regulation would read:

5 AAC 28.070. Groundfish possession and landing requirements. (a) Unless otherwise provided in this chapter,

(1) in a groundfish fishery, a CFEC permit holder may not have on board a vessel operated by that permit holder, bycatch of any other species or species group of groundfish;

(2) in a halibut fishery, a CFEC permit holder may not have on board a vessel operated by that permit holder, bycatch of any species or species group of groundfish.

(b) Notwithstanding (a) of this section or any other provision of this chapter, during times when the commissioner determines it necessary for conservation of the resource, to avoid waste of a bycatch species, to prevent overharvest of a bycatch species, [OR TO FACILITATE CONSISTENCY OF THE REGULATIONS IN AN AREA WHERE STATE AND FEDERAL JURISDICTION OVERLAP], **or to facilitate consistency of state and federal regulations for a species,** the commissioner may close and reopen fishing seasons to provide for changes to groundfish bycatch levels, as provided in this subsection. The commissioner, by emergency order, may close a directed groundfish season and immediately reopen a season during which a CFEC permit holder may have on board a bycatch level of another groundfish species, established by the commissioner and stated in the emergency order, of up to 20 percent, by weight, of the directed groundfish species on board the vessel. Regarding a directed halibut fishery, the commissioner, by emergency order, may close and immediately reopen the fishing season for a bycatch groundfish species during which a CFEC halibut permit holder may have on board a bycatch level of that groundfish species, established by the commissioner and stated in the emergency order, of up to 20 percent, by weight, of the halibut on board the vessel. If a CFEC permit holder has on board the permit holder's vessel fish taken in more than one directed fishery for which a bycatch level has been established under this subsection, each applicable bycatch level percentage is applied to the weight of the fish taken in the applicable directed fishery and the resulting amounts are added together to determine the total weight of the bycatch species that may be on board the vessel.

(c) In the waters of Alaska,

(1) a CFEC permit holder who has a groundfish species on board the permit holder's vessel may not operate groundfish gear in an area in which the taking of that species of groundfish is prohibited;

(2) a CFEC permit holder, while taking fish in an area or having taken fish in an area during the same trip, may not have on board the permit holder's vessel an aggregate amount of a groundfish species that exceeds the amount allowed by regulation for that area, regardless of where the groundfish were taken.

(d) Notwithstanding any other provision of this chapter, if the operator of a catcher/processor vessel has written authorization from the department, the operator may retain on board the vessel an amount of processed fish that exceeds a limit set by this chapter. The department will issue the written authorization if completed fish tickets for all fish on board the vessel have been submitted to the department or an authorized department representative before the beginning of the next fishing period in which the operator intends to fish.

(e) A CFEC permit holder operating a vessel fishing for groundfish shall retain

(1) all pollock and Pacific cod taken when a directed fishery for pollock or Pacific cod is open; or

(2) the maximum retainable bycatch of pollock and Pacific cod taken, specified in 50 C.F.R. 679.20, revised as of October 1, 1996 and amended through January 23, 2009, when a directed fishery for pollock or Pacific cod is closed.

(f) a person delivering groundfish shall notify the processor if any groundfish remain onboard the vessel after the delivery. A processor shall report a landing as a partial delivery if any groundfish remain aboard the delivering vessel.

(1) except where a delivery is reported as a partial delivery within the eLandings system or on an ADF&G fish ticket form, a person delivering groundfish to a processor shall land all groundfish aboard the vessel.

(2) a processor or processor's agent that accepts delivery of or purchases groundfish from a vessel shall sort and weigh by species all groundfish landed by a vessel. Groundfish may be returned to a vessel only after the landing is reported as specified in 5 AAC 39.130.

(3) groundfish present on board a vessel at any landing may not be considered discarded at sea for eLanding or ADF&G fish ticket reporting purposes.

(4) after making a partial delivery from a vessel, and prior to making a final delivery, a person may not offload any groundfish remaining onboard the vessel unless making a final delivery and landing all groundfish aboard the vessel.

BACKGROUND: This issue was brought to the department's attention by NOAA Office of Law Enforcement. Their concern dealt with overages of bycaught species. At this time, groundfish not offloaded by a fishing vessel are not required to be accounted for on a fish ticket, thereby avoiding overage penalties. In order to better manage groundfish, and to enforce regulations dealing with bycatch levels onboard, all groundfish harvested during a commercial fishery must be accounted for. A concern develops however, with proposed

language because vessels currently may deliver to multiple processors. A vessel may elect to off-load all or a portion of their harvest to one or more processors, or may retain a portion of their harvest for dockside sales. Some groundfish, such as skates, have specific markets that not all processors supply. The processor involved in the first off-load does not want to 'carry' on their books the vessel's total retained poundage, as it is a potential tax obligation, even though it was not purchased. To create a second landing report without a subtraction of the poundage from the first purchaser would create double counting of the same fish. However, by design, fish tickets are able to record partial (split) deliveries, or indicate that the delivery is the last landing for a trip.

ALASKA DEPARTMENT OF FISH & GAME
ELECTRONIC GROUNDFISH TICKET

DO NOT WRITE IN THIS SPACE
E08 059220

Statistical Area WorkSheet

Stat. Area	%	Stat. Area	%
535702	30	515730	30
515700	40		

Vessel ADF&G NO. Permit [redacted]

Crew Size 5 Mgmt Pgm OA
Observers onboard 0 ID

Port of Landing or off-shore operation type: KOD Kodiak

Type of Gear used: 07 Non-pelagic/bottom trawl

Owner: F7270 East Point Building
Custom Processor:

Date Fishing Began (Gear in Water) 08/01/2008
Date Landed 08/03/2008

PARTIAL DELIVERY:
✓ Partial Delivery
☐ Last Landing for Trip
☐ Multiple IFQ Permits

SPECIES	STAT AREA	DEL. COND	SCALE WEIGHT	NUM	DISP.	SIZE & GRADE	SOLD WEIGHT	PRICE	AMOUNT
700 Skate	515700	01 Whole	[redacted]		60 Sold		[redacted]		
700 Skate	515730	01 Whole			60 Sold				
700 Skate	525702	01 Whole			60 Sold				

Total:

I HEREBY ATTEST THAT THESE FISH WERE CAUGHT IN COMPLIANCE WITH ADF&G REGULATIONS.

Permit Holder's Signature

Fish Received by Date

Landing Report ID: [redacted] CFEC Serial Number: [redacted]
Skate Round Weight:

ADF&G USE	
Interview	
Observer	
Logbook	

The eLandings System auto-assigns trip number based upon the following logic: Year, Vessel ADF&G, overlapping month/day. The system easily allows agency staff to review the landing report records for both deliveries, and even print out a fish ticket. This eLandings System feature can facilitate the disposition of product placed back on-board a vessel.

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

COST ANALYSIS: Adoption of this proposal is not expected to result in additional direct costs for private individuals to participate in this fishery.

Statewide – Prohibition on blocking channels

PROPOSAL 378 - 5 AAC 01.010. Methods, means, and general provisions; and **5 AAC 77.010. Methods, means, and general provisions.**

PROPOSED BY: Alaska Department of Fish and Game.

WHAT WOULD THE PROPOSAL DO? This proposal would clarify subsistence and personal use regulations that prohibit the obstruction of more than one-half or two- thirds of a stream or channel. If adopted, these regulations would apply to the width of a stream or any channel or braid of any stream.

WHAT ARE THE CURRENT REGULATIONS? Seven areas allow one-half of a stream to be blocked in the existing subsistence regulations: Kotzebue (**5 AAC 01.120(c)**), Norton Sound-Port Clarence (**5 AAC 01.170(c)**), Yukon-Northern (**5 AAC 01.220(f)(4)**), Kuskokwim (**5 AAC 01.270(f)**), Bristol Bay (**5 AAC 01.320(e)**), Chignik (**5 AAC 01.470(a)**), and Kodiak (**5 AAC 01.520(b)**).

The Yukon-Northern area (**5 AAC 77.171(a)(4)**) has the only personal use regulation allowing one-half of a stream to be blocked.

The Yakutat Area (**5 AAC 01.670 (d)**) subsistence regulations allow two-thirds of a stream to be blocked.

There is currently no specific regulation on the amount of a stream width that can be blocked by fishing gear in the statewide regulations and in the Aleutian Islands (**5 AAC 01.350**), Alaska Peninsula (**5 AAC 01.400**), Cook Inlet (**5 AAC 01.550**), Prince William Sound (**5 AAC 01.600**), and Southeast Alaska (**5 AAC 01.700**).

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? If adopted, this proposal would ensure fish passage and improve the enforcement of regulations prohibiting the obstruction of an individual stream or channel, which may be the primary migration route for fish in a braided stream.

BACKGROUND: Current subsistence and personal use fishery regulations that prohibit blocking of more than half or two-thirds of a stream have proven largely unenforceable in areas with braided streams or multiple channels. ADF&G and enforcement officers, and some of the public, have previously assumed that the board's prohibition on stream obstruction would apply to side channels as well as full streams. In 2008, a subsistence salmon permit holder was issued a citation for blocking the only channel that salmon could pass upstream through in a multi-braided stream (Figure 378-1). Because regulations in the Norton Sound-Port Clarence Area stated that not more than one-half the width of a fish stream could be blocked, rather than one-half of any channel or braid of any stream, the citation was withdrawn.

DEPARTMENT COMMENTS: The department submitted and **SUPPORTS** this proposal. It is clear that the intent of these regulations was to prevent fishing gear from entirely obstructing fish passage and to ensure escapement. Using the term "stream" instead of "any channel or braid of any stream" appears to be an error that prevents existing regulations from being effective in some areas. This proposal would eliminate confusion with the regulations and allow salmon to continue moving upriver for other users and ensure access for salmon to reach the spawning grounds. Since this proposal only serves to expand the regulatory language of "stream" to include "any channel or braid of any stream," this clarification would likely result in only a small overall affect on subsistence and personal use fishing.

One method of addressing this issue is to adopt a statewide regulation to include wording such as "When a portion of a stream width is restricted for fishing with a gillnet or stationary fishing device, the restriction also applies to any individual channel or braid within the stream." However, area regulations would still be unclear.

Another possible solution, if the board agrees that this is a housekeeping issue, would be for the board to adopt a delegation to the commissioner to identify all the area subsistence and personal use regulations restricting stream obstruction and adopt a housekeeping edit to each area's regulations to extend the area restrictions to channels and side channels. This option would present less possibility of public confusion because the restrictions on stream obstruction in each area could be understood without referring back to statewide regulations and because it would make area restrictions more consistent (i.e., if the stream restriction is one-half, the channel restriction would also be one-half, and if the stream restriction is two-thirds, the channel restriction would also be two-thirds). The department **SUPPORTS** this housekeeping option.

COST ANALYSIS: Adoption of this proposal is not expected to result in additional direct costs for private individuals to participate in this fishery.

Figure 378-1.–Pilgrim River, Norton Sound-Port Clarence area, 2008.

Committee B: COOK INLET RAZOR CLAMS, MISC. SHELLFISH, SUPPLEMENTAL ISSUES, AND DEFERRED PROPOSALS

Prince William Sound commercial shrimp pot fishery

PROPOSAL 44A - 5 AAC 31.260 Prince William Sound Pot Shrimp Fishery Management Plan.

PROPOSED BY: Alaska Department of Fish and Game.
WHAT WOULD THE PROPOSAL DO? This proposal would describe the conditions under which a commercial shrimp pot fishery in Prince William Sound may occur.

WHAT ARE THE CURRENT REGULATIONS? 5 AAC 31.210 Shrimp pot season in Registration Area E specifies there is no open season for shrimp fishing with pot gear in the Prince William Sound Area.

WHAT WOULD BE THE EFFECTS IF THE PROPOSAL WERE ADOPTED? If adopted, the proposal would specify the regulations under which a commercial shrimp pot fishery in Prince William Sound may occur. Effects would be dependent on the structure of a commercial shrimp pot fishery.

BACKGROUND: Commercial shrimp landings from Prince William Sound date to 1960 when approximately 5,000 pounds were harvested. Historically, 97% of the harvest has been spot shrimp and the fishery has been managed for this species although other species such as coonstripe shrimp are also harvested. From 1960 through 1977, catch varied from no harvest in 1961 and 1966, to approximately 25,000 pounds in 1974. The shrimp pot fishery expanded rapidly during 1978 to 1982 as local markets were established and the major harvest areas located. During 1982 to 1984, the open season was reduced to April 1 through November 30 with a guideline harvest range of 75,000 to 145,000 pounds. This season was intended to reduce harvests during the egg bearing and hatch periods. Despite the shortened season, catch increased to approximately 214,000 pounds in 1982 and effort increased to 79 vessels in 1984. In 1985, the board established a split season of March 15 through June 30 and August 15 through December 5, with a guideline harvest range (GHR) of 75,000–100,000 pounds each season, and an experimental harvest area with no closed season. Due to poor catch reporting, coupled with harvest from the experimental fishing area, total harvest substantially exceeded the GHR over the next few years. Harvest peaked at approximately 290,600 pounds in 1986 and effort increased to 86 vessels in 1987. Harvest declines beginning in 1988 indicated stock conservation problems. In 1991, a limited commercial fishery with a conservative guideline harvest range of 10,000 to 40,000 pounds was closed after 46 days of fishing had yielded only 17,580 pounds taken by 15 vessels in 45 landings. Fishery performance data from the 1991 fishery indicated that the stock was at a very low level. Although the commercial spot shrimp season was closed by emergency order beginning in 1992, noncommercial fisheries remained open. In 2000, the Board of Fisheries adopted a regulation closing the commercial shrimp pot fishery due to low stock abundance. The

board also made a customary and traditional use determination that 9,000–15,000 pounds of useable shrimp are reasonably necessary for subsistence in the Prince William Sound area, and restructured the subsistence, personal use, and sport fisheries. The new regulations established a fishing season of April 15 to September 15, limits of 5 pots per person and 5 pots per vessel, and a harvest permit requirement. The seasonal closure was implemented to protect female shrimp during the egg-bearing period.

Since 1998, results from the department's standardized index survey for spot shrimp have demonstrated a slow, but steady increase in abundance from 0.29 pounds/pot to 2.40 pounds/pot for all shrimp in 2007. Similarly, survey results for commercially marketable shrimp with a carapace length of 32mm or greater have also increased from 0.14 pounds/pot to 1.0 pounds/pot in 2007.

DEPARTMENT COMMENTS: The department submitted and **SUPPORTS** this proposal. The department looks to the board process to refine a fishery management plan that addresses the above issues and provides the structure necessary for the redevelopment of the resource while maintaining the sustainability of all the shrimp fisheries. The department recommends a rationale for shrimp pot fishery management that includes; year-class maintenance, avoidance of fishing biologically sensitive times such as the egg bearing period, reduction of mortality of small shrimp, and brood stock maintenance. The following regulatory structure provides a basis for consideration of a commercial fishery.

DRAFT PWS COMMERCIAL POT SHRIMP MANAGEMENT PLAN

5 AAC 31.260. Prince William Sound Pot Shrimp Fishery Management Plan. (a) The Prince William Sound pot shrimp fishery expanded dramatically from 1979 to 1987, then declined between 1988-1991 and ultimately remained closed from 1992-2008. Two species of shrimp are harvested in this fishery; spot shrimp *Pandalus platyceros* and coonstripe shrimp *Pandalus hypsinotus.* Spot shrimp historically comprised greater than 95 percent of the harvest. Therefore, it is necessary to base management of this fishery on spot shrimp.

(b) The Alaska Board of Fisheries recognizes the need for conservative management of shrimp fisheries in the established fishing area of western of Prince William Sound. Management of the fisheries in this area are described in 5 AAC 31.200-260.

5 AAC 31.206. Area E registration. (is amended to read).

a) Registration Area E is a nonexclusive registration area for vessels fishing for shrimp with trawl gear.

c) Registration Area E is a superexclusive registration area for vessels fishing for shrimp with pot gear.

d) A vessel participating in the Area E shrimp pot fishery must obtain an area registration by close of business April 1.

5 AAC 31.210. Shrimp pot fishing seasons for Registration Area E.

a) Shrimp may be taken in those waters of the Inside District west of a line from Middle Point at 60° 20.00' N. lat., 147° 00.00' W. long. north to a point at 60° 40.00' N. lat., 147° 00.00' W. long., then northeast to the Coast Guard marker light on Goose Island to Knowles Head from April 15 to September 15 unless closed by emergency order. Fishing within this area will be rotated on an annual basis between the following areas:

(1) waters north of 60° 40.00' N. lat. and east of 148° 00.00' W. long.

(2) waters south of those described in (1) above and north of 60° 25.00' N. lat.

(3) waters south of 60° 25.00' N. lat.

(b) In all other waters of Registration Area E, shrimp may be harvested only under the terms of a commissioner's permit. The permit may restrict gear, fishing areas, fishing periods, allowable harvest, and other conditions the commissioner determines necessary for the conservation and management of the resource.

5 AAC 31.215. Shrimp pot guideline harvest ranges for Registration Area E.

(a) The guideline harvest for shrimp harvested from the area described in 5 AAC 31.210 (a) by pot gear will be calculated as 40% of the total allowable harvest for the area.

5 AAC 31.224. Lawful shrimp pot gear for Registration Area E.

(a) Shrimp may be taken with pots in Registration Area E only as specified in this section.

(b) A shrimp pot may not have

(1) more than one bottom;

(2) a vertical height of more than 24 inches;

(3) more than four tunnel eye openings, which individually do not exceed 15" in perimeter;

(4) a bottom perimeter exceeding 124"

(c) The sides of a shrimp pot may only be

(1) at a right angle to the plane of the bottom of the pot; or

(2) slanted inward toward the center of the pot in a straight line from the bottom of the pot to the top of the pot.

(d) A shrimp pot must be entirely covered with net webbing or rigid mesh. At least two adjacent sides or 50 percent of the vertical or near-vertical sides must be covered with net webbing or rigid mesh that allows the passage of a seven-eighths inch diameter by 12 inch long wooden dowel, which upon insertion into the web, must drop completely through by its own weight, without force.

(e) Shrimp pots may be operated as follows

(1) the maximum number of shrimp pots that may be operated from a vessel is 50.

(2) the department will announce annually, prior to the start of the commercial fishery, the number of pots per vessel that may be operated in the commercial fishery for that season. In determining the annual pot limit, the department will consider the

total number of registered vessels, estimated catch per unit of effort, and the magnitude of the GHL.

(3) a vessel operator may have only shrimp pot gear owned by that person on board the vessel at any time.

(4) shrimp pot gear may be deployed or retrieved only from 8:00 am until 4:00 pm each day; the commissioner may close, by emergency order, the fishing season in a district or portion of a district and immediately reopen the season during which the time period allowed to deploy and retrieve shrimp pot gear may be increased or decreased to achieve the guideline harvest level.

(5) all shrimp pots left in saltwater unattended longer than a two-week period must have all bait containers removed and all doors secured fully open.

(f) A registered shrimp vessel may not have, at any time in the aggregate, more than the legal limit of pot gear on board the vessel, in the waters in fishing condition, and in the water in non-fishing condition.

5 AAC 31.226. Shrimp pot marking requirements for Registration Area E. (a) if required by the department, in addition to the requirements of 5 AAC 31.051, each shrimp pot must have one identification tag issued by the department attached to the pot. If required by the department under this section, identification tags will be issued before the fishing season, uniquely numbered for that registration year, and issued at the time of vessel registration for that vessel only. The vessel owner, or the owner's agent, shall apply for identification tags at a department office designated to issue tags. Replacement of tags lost during the season is permitted if the vessel operator submits a sworn statement or affidavit describing how the tags were lost and listing the numbers of the lost tags.

(b) All shrimp pots on board a registered shrimp vessel must be marked as specified in (a) of this section.

(c) Shrimp pots deployed on a longline, consisting of more than five pots, must have at least one buoy attached to each end of the longline. The buoys must be properly marked as specified in 5 AAC 31.051 and the pots must be marked as required in (a) of this section.

5 AAC 31.235. Closed waters in Registration Area E. (See maps in RC informational packet. The board will have to decide intent for individual closures and ADF&G would provide location information)

5 AAC 31.240. Registration Area E shrimp vessel inspection and inspection points. (is amended to read)

(b) Unless required under (c) of this section, a vessel fishing for shrimp in Registration Area E is not required to undergo an inspection, as specified in 5 AAC 31.030

(c) The commissioner, by announcement, may require that vessels fishing for shrimp in Registration Area E be inspected as specified in 5 AAC 31.030.

(d) If the commissioner requires a vessel inspection under (c) of this section, the inspection points for Registration Area E are described in (a) of this section.

5 AAC 31.243 Reporting requirements for Registration Area E.

(a) An operator of a vessel participating in the Prince William Sound shrimp pot fishery shall obtain and complete a logbook provided by the department. The vessel operator must have the logbook on board the vessel at all times and must submit to the department, each logbook page that corresponds with each ADF&G fish ticket.

(b) The owner or operator of a catcher-seller vessel registered to take shrimp in Registration Area E shall complete a fish ticket indicating the weight of the shrimp on board by species before any shrimp are removed from the vessel.

(c) Prior to landing shrimp, the owner or operator of a catcher-seller vessel registered to take shrimp in Registration Area E shall contact the Cordova office at a telephone number specified by the department at the time of registration and provide:

(A) the permit holder's name;

(B) the name and ADF&G number of the registered vessel;

(C) the following information for each ADF&G fish ticket that pertains to that trip;

(i) the preprinted fish ticket number;

(ii) the date of landing;

(iii) the statistical areas fished;

(iv) the number of pot lifts for each statistical area;

(v) the round weight of all shrimp taken by species and statistical area.

COST ANALYSIS: Adoption of this proposal is expected to result in additional direct costs for private individuals to participate in this fishery because of the necessities to purchase gear.

PROPOSAL 49 - 5 AAC 55.022. General provisions for seasons, bag, possession, and size limits, and methods and means for the Prince William Sound Area; and 5 AAC 31.206. Area E registration.

PROPOSED BY: Gordon Scott.

WHAT WOULD THE PROPOSAL DO? This proposal would prohibit persons or vessels from participating in the both commercial and sport fish pot shrimp fisheries.

WHAT ARE THE CURRENT REGULATIONS? Regulation 5 AAC 31.020 Shrimp area registration and 5 AAC 39.120 Registration of commercial fishing vessels, both require a commercial vessel to be validly registered to participate in a commercial fishery. Regulation 5 AAC 31.053 Operation of Other Pot Gear restricts participation in a commercial fishery by a person or vessel that has operated sport, personal use, or subsistence shrimp pots during the 14 days before the commercial shrimp season and also restricts the operation of shrimp pot gear in a commercial, sport, subsistence, or personal use shrimp fishery by a vessel or person that has participated in a commercial fishery in

that area unless the commercial gear is out of the water or in storage (5 AAC 31.052) and cancels the vessel's area registration.

WHAT WOULD BE THE EFFECTS IF THE PROPOSAL WERE ADOPTED? If adopted, the proposal would limit effort in the Prince William Sound commercial and noncommercial shrimp fisheries by restricting an individual's participation to either a commercial or a noncommercial fishery.

BACKGROUND: The Board of Fisheries may adopt regulations aimed at controlling effort and allocating resources such as exclusive or superexclusive area registration, gear limits, and fishery harvest allocations. Numerous commercial fisheries have an exclusive or super exclusive registration requirement. These designations limit effort by restricting participation by vessels that have fished in another exclusive or any superexclusive registration area.

DEPARTMENT COMMENTS: The department is **NEUTRAL** on this allocative proposal. The department recognizes that temporal or spatial separation between fisheries may help to avoid gear conflicts and provide for an orderly fishery. The department is uncertain if the proposed restriction is needed for the conservation and development of the fishery. Before adopting this proposal the board might explore whether less restrictive temporal restrictions on participation could accomplish the desired objectives.

COST ANALYSIS: Adoption of this proposal is not expected to result in additional direct costs for private individuals to participate in this fishery.

Cook Inlet Clams

PROPOSAL 363: 5 AAC 77.518. Personal use clam fishery.

PROPOSED BY: John McCombs.

WHAT WOULD THE PROPOSAL DO? This proposal would reduce the razor clam personal use daily bag limit in the area from the mouth of the Kenai River to the southernmost tip of the Homer Spit from the first 60 clams dug to the first 30 clams dug.

WHAT ARE THE CURRENT REGULATIONS? Shellfish may be taken for sport and personal use. Sport and personal use razor clam regulations are identical except that only Alaskan residents may participate in personal use fisheries. Razor clams may be taken from January 1 – December 31 from the mouth of the Kenai River south to the tip of the Homer Spit. The bag limit is the first 60 clams dug per day and the possession limit is 120 clams. Clams may be taken only with rakes, shovels, manually operated clam guns, or by hand.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? This proposal would reduce the personal use razor clam bag limit by 50%. The possession limit would remain 120 clams. The sport bag and possession limits would remain at 60 per day and 120 in possession. Enforcement may be problematic due to differing limits between user groups harvesting in the same area. The change could result in some unknown decrease in the harvest of razor clams. The change would have little impact on the sustainability of the razor clam population because exploitation rates over most of the beach area are low. Diggers traveling to harvest clams may be required to stay longer or make more trips to achieve their desired harvest amount.

BACKGROUND: The razor clam fishery along the 50 miles of eastern Cook Inlet is a sustainable fishery based upon consistent harvests, low harvest rates, the presence of many age classes on the beaches, and regular recruitment of young clams into the population. Participation in the razor clam fishery on the east side of Cook Inlet was 12,000 digger-days when it was first estimated in 1969. Effort for razor clams peaked at 47,000 digger days in 1994 and has since stabilized at an average of 30,000 digger-days annually. Harvests peaked in 1994 at 1.3 million razor clams. Annual harvests since 1994 averaged approximately 700,000 razor clams until 2005 when a natural die-off of older, larger-sized clams occurred and a period of slow growth was observed along approximately 15 miles of beach including the popular Clam Gulch area. As a result, the average annual harvest of razor clams was approximately 400,000 during 2005-2007.

Digger behavior continues to follow historical patterns where the diggers shift effort to where the largest-sized, most abundant clams are found and away from where there were fewer or smaller clams. Until the late 1970's the primary destination was Clam Gulch. From 1986-1995, diggers shifted to Ninilchik to harvest large clams. Diggers shifted back to Clam Gulch during 1996-2004 when a large number of young clams were found at Ninilchik and more abundant large clams could be found at Clam Gulch. The die-off of older, larger-sized clams between 2004 and 2005 and slow growth of clams on the beaches from the Clam Gulch area between 2005 and 2007 resulted in diggers shifting back to Ninilchik, which currently supports 68% of the harvest compared to 13% from Clam Gulch.

Razor clam abundance has been periodically estimated since 1988 at the two most heavily harvested eastside beach areas located on portions of Clam Gulch and Ninilchik beaches. The abundance of clams was last estimated at Clam Gulch in 2008 and Ninilchik in 2005. The abundance of clams of a size easily encountered by diggers (approximately 3 inches in length or larger) at Clam Gulch in 2008 was 1.4 million and abundance of all-sized clams was 3.6 million. Razor clam abundance at Clam Gulch in 2008 was about half the average of previous estimates, but percent of clams harvested is as low as previous estimates: approximately 3% of harvestable-sized clams and 1% of all-sized clams. The time series of abundance estimates from Ninilchik, where harvest has been focused since the mid 1980s, has no overall negative trend to indicate that exploitation rates might be negatively affecting recruitment or abundance in the immediate vicinity.

Although the proportion of the harvest from Ninilchik increased from 2004-2008, this was offset by a decrease in the overall harvest, resulting in the maintenance of fairly stable harvests from Ninilchik between 2004 and 2008. Sustainable harvest rates have not been determined for razor clams in Alaska, but harvest rates along most of eastern Cook Inlet beaches are below sustainable levels determined for other razor clam fisheries. Washington Department of Fish and Wildlife and the tribal co-managers found that harvest rates above 25.4% of the razor clam standing stock are not sustainable. British Columbia Department of Fisheries and Oceans (DFO) and their tribal co-managers restrict British Columbia's only commercial razor clam fishery at North Beach to 12% of clams over 3.5 inches.

DEPARTMENT COMMENTS: The department **OPPOSES** this proposal. There is no biological reason to lower the razor clam bag limit on the Eastside beaches. Razor clam populations fluctuate, as they have in the past, independent of harvest levels. Increased harvest and effort has been documented on only a few miles of beach near Ninilchik and Clam Gulch, while most beach areas receive little digging pressure. Surveys indicate new age classes regularly recruit into the population all along the Eastside beaches. Clam growth in 2008 in the Clam Gulch area returned to historical growth rates. The department monitors razor clam abundance on a rotating schedule and annually estimates harvest and length and age composition and will respond appropriately if conservation concerns are identified.

The department is **NEUTRAL** to the allocative aspects of this proposal.

COST ANALYSIS: Adoption of this proposal is not expected to result in additional direct costs for private individuals to participate in this fishery.

PROPOSAL 364: 5 AAC 58.022 (a)(15). Waters; seasons; bag, possession and size limits; and special provisions for Cook Inlet – Resurrection Bay Saltwater Area.

PROPOSED BY: Gary Simmons.

WHAT WOULD THE PROPOSAL DO? This proposal would reduce the razor clam sport fishery daily bag limit in the area from the mouth of the Kenai River to the southernmost tip of the Homer Spit from the first 60 clams dug to the first 15 clams dug.

WHAT ARE THE CURRENT REGULATIONS? Shellfish may be taken for sport and personal use. Sport and personal use razor clam regulations are identical except that only Alaskan residents may participate in personal use fisheries. Razor clams may be taken from January 1 – December 31 from the mouth of the Kenai River south to the tip of the Homer Spit. The bag limit is the first 60 clams dug per day and the possession limit is 120 clams. Clams may be taken only with rakes, shovels, manually operated clam guns, or by hand.
WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? This proposal would reduce the sport razor clam bag limit by 75% at Clam Gulch. The

possession limit would remain 120 clams. The personal use bag and possession limits would remain 60 and 120. Enforcement may be problematic due to differing limits between user groups harvesting in the same area. The change could result in a significant decrease in the harvest of razor clams at Clam Gulch. The change would have little impact on the razor clam population at Clam Gulch because exploitation rates in the Clam Gulch beach area are low. It could impact the beach area as a whole because restriction of the bag limit on the popular Clam Gulch beach could send diggers to other beaches that can sustain less harvest. Diggers who chose to dig at Clam Gulch would be required to stay longer in the area or make more trips to the area to achieve their desired harvest amount. The proposer does not specify the boundaries of the Clam Gulch area.

BACKGROUND: The razor clam fishery along the 50 miles of eastern Cook Inlet is a sustainable fishery based upon consistent harvests, low harvest rates, the presence of many age classes on the beaches, and regular recruitment of young clams into the population. Participation in the razor clam fishery on the east side of Cook Inlet was 12,000 digger-days when it was first estimated in 1969. Effort for razor clams peaked at 47,000 digger days in 1994 and has since stabilized at an average of 30,000 digger-days annually. Harvests peaked in 1994 at 1.3 million razor clams. Annual harvests since 1994 averaged approximately 700,000 razor clams until 2005 when a natural die-off of older, larger-sized clams occurred and a period of slow growth was observed along approximately 15 miles of beach including the popular Clam Gulch area. As a result the average annual harvest of razor clams was approximately 400,000 during 2005-2007.

Digger behavior continues to follow historical patterns where the diggers shift effort to where the largest-sized, most abundant clams are found and away from where there were fewer or smaller clams. Until the late 1970's the primary destination was Clam Gulch. From 1986-1995, diggers shifted to Ninilchik to harvest large clams. Diggers shifted back to Clam Gulch during 1996-2004 when a large number of young clams were found at Ninilchik and more abundant large clams could be found at Clam Gulch. The die-off of older, larger-sized clams between 2004 and 2005 and slow growth of clams on the beaches from the Clam Gulch area between 2005 and 2007 resulted in diggers shifting back to Ninilchik, which currently supports 68% of the harvest compared to 13% from Clam Gulch.

Razor clam abundance has been periodically estimated since 1988 at the two most heavily harvested eastside beach areas located on portions of Clam Gulch and Ninilchik beaches. The abundance of clams was last estimated at Clam Gulch in 2008 and Ninilchik in 2005. The abundance of clams of a size easily encountered by diggers (approximately 3 inches in length or larger) at Clam Gulch in 2008 was 1.4 million and abundance of all-sized clams was 3.6 million. Razor clam abundance at Clam Gulch in 2008 was about half the average of previous estimates, but percent of clams harvested is as low as previous estimates: approximately 3% of harvestable-sized clams and 1% of all-sized clams. The time series of abundance estimates from Ninilchik, where harvest has been focused since the mid 1980s, has no overall negative trend to indicate that exploitation rates might be negatively affecting recruitment or abundance in the immediate vicinity.

Although the proportion of the harvest from Ninilchik increased from 2004-2008, this was offset by a decrease in the overall harvest, resulting in the maintenance of fairly stable harvests from Ninilchik between 2004 and 2008. Sustainable harvest rates have not been determined for razor clams in Alaska, but harvest rates along most of eastern Cook Inlet beaches are below sustainable levels determined for other razor clam fisheries. Washington Department of Fish and Wildlife and the tribal co-managers found that harvest rates above 25.4% of the razor clam standing stock are not sustainable. British Columbia Department of Fisheries and Oceans (DFO) and their tribal co-managers restrict British Columbia's only commercial razor clam fishery at North Beach to 12% of clams over 3.5 inches.

DEPARTMENT COMMENTS: The department **OPPOSES** this proposal. There is no biological reason to lower the razor clam bag limit on the Eastside beaches. Razor clam populations fluctuate, as they have in the past, independent of harvest levels. Increased harvest and effort has been documented on only a few miles of beach near Ninilchik and Clam Gulch, while most beach areas receive little digging pressure. Surveys indicate new age classes regularly recruit into the population all along the Eastside beaches. Clam growth in 2008 in the Clam Gulch area returned to historical growth rates. The department monitors razor clam abundance on a rotating schedule and annually estimates harvest and length and age composition and will respond appropriately if conservation concerns are identified.

The department is **NEUTRAL** to the allocative aspects of this proposal.

COST ANALYSIS: Adoption of this proposal is not expected to result in additional direct costs for private individuals to participate in this fishery.

PROPOSAL 365: 5 AAC 58.022 (a)(15). Waters; seasons; bag, possession and size limits; and special provisions for Cook Inlet – Resurrection Bay Saltwater Area.

PROPOSED BY: John McCombs.

WHAT WOULD THE PROPOSAL DO? This proposal would reduce the razor clam sport fishery daily bag limit in the area from the mouth of the Kenai River to the southernmost tip of the Homer Spit from the first 60 clams dug to the first 25 clams dug.

WHAT ARE THE CURRENT REGULATIONS? Shellfish may be taken for sport and personal use. Sport and personal use razor clam regulations are identical except that only Alaskan residents may participate in personal use fisheries. Razor clams may be taken from January 1 – December 31 from the mouth of the Kenai River south to the tip of the Homer Spit. The bag limit is the first 60 clams dug per day and the possession limit is 120 clams. Clams may be taken only with rakes, shovels, manually operated clam guns, or by hand.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? This proposal would reduce the sport razor clam bag limit from 60 to 25. The sport possession

limit would remain 120. The personal use bag and possession limits would remain at 60 per day and 120 in possession. Enforcement may be problematic due to differing limits between user groups harvesting in the same area. The change could result in some unknown decrease in the harvest of razor clams. The change would have little impact on the sustainability of the razor clam population because exploitation rates over most of the beach area are low. Diggers traveling to harvest clams may be required to stay longer or make more trips to achieve their desired harvest amount.

BACKGROUND: The razor clam fishery along the 50 miles of eastern Cook Inlet is a sustainable fishery based upon consistent harvests, low harvest rates, the presence of many age classes on the beaches, and regular recruitment of young clams into the population. Participation in the razor clam fishery on the east side of Cook Inlet was 12,000 digger-days when it was first estimated in 1969. Effort for razor clams peaked at 47,000 digger days in 1994 and has since stabilized at an average of 30,000 digger-days annually. Harvests peaked in 1994 at 1.3 million razor clams. Annual harvests since 1994 averaged approximately 700,000 razor clams until 2005 when a natural die-off of older, larger-sized clams occurred and a period of slow growth was observed along approximately 15 miles of beach including the popular Clam Gulch area. As a result the average annual harvest of razor clams was approximately 400,000 during 2005-2007.

Digger behavior continues to follow historical patterns where the diggers shift effort to where the largest-sized, most abundant clams are found and away from where there were fewer or smaller clams. Until the late 1970's the primary destination was Clam Gulch. From 1986-1995, diggers shifted to Ninilchik to harvest large clams. Diggers shifted back to Clam Gulch during 1996-2004 when a large number of young clams were found at Ninilchik and more abundant large clams could be found at Clam Gulch. The die-off of older, larger-sized clams between 2004 and 2005 and slow growth of clams on the beaches from the Clam Gulch area between 2005 and 2007 resulted in diggers shifting back to Ninilchik, which currently supports 68% of the harvest compared to 13% from Clam Gulch.

Razor clam abundance has been periodically estimated since 1988 at the two most heavily harvested eastside beach areas located on portions of Clam Gulch and Ninilchik beaches. The abundance of clams was last estimated at Clam Gulch in 2008 and Ninilchik in 2005. The abundance of clams of a size easily encountered by diggers (approximately 3 inches in length or larger) at Clam Gulch in 2008 was 1.4 million and abundance of all-sized clams was 3.6 million. Razor clam abundance at Clam Gulch in 2008 was about half the average of previous estimates, but percent of clams harvested is as low as previous estimates: approximately 3% of harvestable-sized clams and 1% of all-sized clams. The time series of abundance estimates from Ninilchik, where harvest has been focused since the mid 1980s, has no overall negative trend to indicate that exploitation rates might be negatively affecting recruitment or abundance in the immediate vicinity.

Although the proportion of the harvest from Ninilchik increased from 2004-2008, this was offset by a decrease in the overall harvest, resulting in the maintenance of fairly stable harvests from Ninilchik between 2004 and 2008. Sustainable harvest rates have not been determined for razor clams in Alaska, but harvest rates along most of eastern Cook Inlet beaches are below sustainable levels determined for other razor clam fisheries. Washington

Department of Fish and Wildlife and the tribal co-managers found that harvest rates above 25.4% of the razor clam standing stock are not sustainable. British Columbia Department of Fisheries and Oceans (DFO) and their tribal co-managers restrict British Columbia's only commercial razor clam fishery at North Beach to 12% of clams over 3.5 inches.

DEPARTMENT COMMENTS: The department **OPPOSES** this proposal. There is no biological reason to lower the razor clam bag limit on the Eastside beaches. Razor clam populations fluctuate, as they have in the past, independent of harvest levels. Increased harvest and effort has been documented on only a few miles of beach near Ninilchik and Clam Gulch, while most beach areas receive little digging pressure. Surveys indicate new age classes regularly recruit into the population all along the Eastside beaches. Clam growth in 2008 in the Clam Gulch area returned to historical growth rates. The department monitors razor clam abundance on a rotating schedule and annually estimates harvest and length and age composition and will respond appropriately if conservation concerns are identified.

The department is **NEUTRAL** to the allocative aspects of this proposal.

COST ANALYSIS: Adoption of this proposal is not expected to result in additional direct costs for private individuals to participate in this fishery.

Cook Inlet Miscellaneous Shellfish

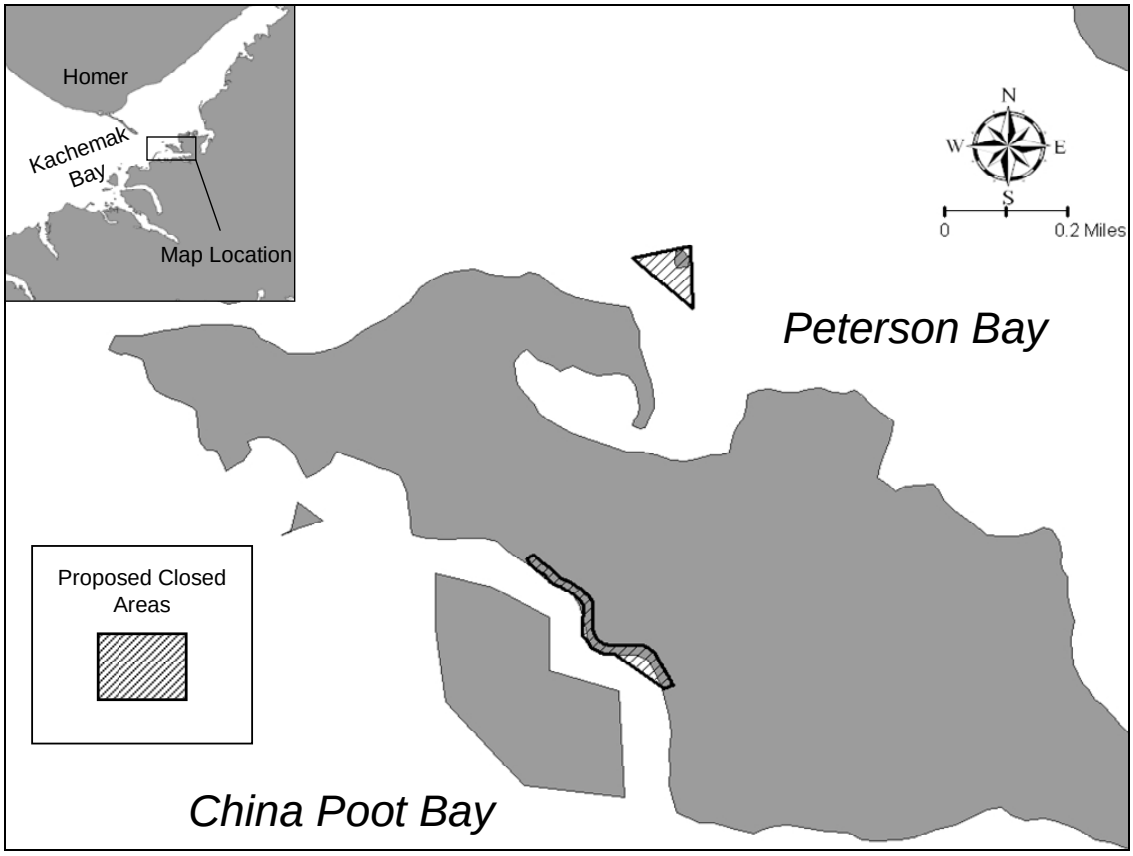
PROPOSAL 366: 5 AAC 38.314. Closed waters for clams and mussels in Registration H; 5 AAC 38.XXX. New section; 5 AAC 58.022. Waters; seasons; bag, possession, and size limits; and special provisions for Cook Inlet – Resurrection Bay Saltwater Area; and **5 AAC 77.XXX New section.**

PROPOSED BY: Center for Alaskan Coastal Studies, Inc.

WHAT WOULD THE PROPOSAL DO? This proposal would close approximately 2,100 feet of intertidal shoreline in China Poot Bay and a three acre intertidal area in Peterson Bay to the harvest of shellfish in sport, personal use, and commercial fisheries.
WHAT ARE THE CURRENT REGULATIONS? The proposed closure areas are currently open all year to the sport and personal use harvest of all shellfish except Dungeness crab, king crab, and shrimp. Tanner crab may be taken from July 15 to December 31 and January 15 through March 15. The areas are also located within Registration Area H Subdistrict 2 (**5 AAC 38.305**), which is open to the commercial harvest of hardshell clams and mussels from March 16 through October 31 on even-numbered calendar years with harvest restricted to weekdays during May 15 through September 15. The allowable commercial harvest from Peterson Bay during open years between 2002 and 2008 ranged between 1,000 and 2,000 pounds and from zero to 500 pounds from China Poot Bay. No other commercial shellfish fisheries are open in the area of the proposed closure. Octopus may be taken only as bycatch in other commercial fisheries.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? The proposal would eliminate the sport, personal use and commercial harvest of commonly harvested species found on or in the substrate in the proposed closure areas. The amount of non-commercial harvest currently occurring in the two locations is unknown, but thought to be minimal based upon aerial clam digger counts conducted regularly since 2004. It is unlikely that any commercial harvest occurs in the Peterson Bay proposed closed area. Beach access and exploration by the public would not be restricted by this proposal.

BACKGROUND: The proposed closure in China Poot Bay is located adjacent to one of the most popular locations for non-commercial harvest of hardshell clams in Kachemak Bay. However, minimal effort has been observed in either proposed area. Since 2004, 8-10 aerial surveys have been conducted annually during April through August to determine the location and number of non-commercial diggers. During the flights, four diggers have been observed within the proposed closed area in China Poot Bay. No diggers have been observed within the proposed closed area in Peterson Bay. Commercial clam management has provided for harvest on even numbered years in both Peterson and China Poot bays. From 2002-2008, commercial hardshell clam harvest totaled 1,060 pounds from Peterson Bay and 1,021 pounds from China Poot Bay for all years combined.



DEPARTMENT COMMENTS: The department is **NEUTRAL** on this allocative proposal. It may be difficult to maintain regulatory markers at these locations due to strong currents and erosion of beach gravel.

COST ANALYSIS: Adoption of this proposal is not expected to result in additional direct costs for private individuals to participate in this fishery.

Statewide personal use

PROPOSAL 367: 5 AAC 77.019. Prohibitions on shellfish pot gear.

PROPOSED BY: Lawrence Hirai.

WHAT WOULD THE PROPOSAL DO? This proposal would require written and dated permission, valid for one year, for operating another person's shrimp/crab gear for personal use statewide.

WHAT ARE THE CURRENT REGULATIONS? A person may not disturb, tamper with, or retrieve another person's shellfish pot gear that is being fished for personal use, sport, or subsistence purposes without prior permission of the owner of that pot gear (**5AAC 02.019**, **5AAC 75.069,** and **5AAC 77.019**).

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? Apprehending pot thieves may be improved by this proposed regulation change because fishers contacted while pulling pots would be required to show proof of permission to use any gear with buoy markings that do not match their personal and boat identification. The proposal indicates that permission for the entire year is given with such written permission; this would preclude persons from giving permission for a specific day or time frame. Companion regulations for sport and subsistence pot fisheries will be necessary for enforceability if this proposal is adopted.

BACKGROUND: Reports of pot theft in non-commercial shellfish fisheries have been received periodically by fisheries enforcement, research, and management personnel throughout Alaska. The frequency of both unauthorized removal of shellfish from pots and theft of pots themselves is unknown. During the 2006 Statewide Dungeness Crab, Shrimp, and Misc. Shellfish meeting, the board adopted the current statewide regulation which had been in place only in the Southeast region. Enforcement of pot thievery remains difficult because pots are often dispersed in remote locations and it is difficult to predict when fishers will retrieve pots so enforcement personnel can contact them in the retrieval process.

DEPARTMENT COMMENTS: The department is **NEUTRAL** on this proposal. Requiring that fishers pull only their own pots and not those belonging to others could improve enforcement of pot thievery and the pulling of other's gear. Input from the

Department of Public Safety, Division of Alaska Wildlife Troopers indicates there are widely differing enforcement needs between coastal areas of the state for such a proposal. In some areas of the state, enforcement Troopers feel this may be beneficial, while in others, the opinion is that such a regulation would actually create a new class of violator and be counterproductive. The department will look to the DPS enforcement representative at the board meeting for further input on this issue.

COST ANALYSIS: Adoption of this proposal is not expected to result in additional direct costs for private individuals to participate in this fishery.

Bristol Bay – Naknek River

PROPOSAL 377 - 5AAC 06.360(d). Naknek River Sockeye Salmon Special Harvest Area Management Plan. Amend the regulation as follows:

(d)(1) no more than [25] **35** fathoms of set gillnet may be used to take salmon.

WHAT WOULD THE PROPOSAL DO? The proposal would increase the current allowable length of set gillnet gear from 25 fathoms to 35 fathoms when fishing in the Naknek River Special Harvest Area (NRSHA).

WHAT ARE THE CURRENT REGULATIONS? Current regulations (**5 AAC 06.360(d)(1)**) allow no more than 25 fathoms of set gillnet to be used to take salmon in the NRSHA.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? If adopted, the proposal would allow set gillnet permit holders the option of fishing with up to 35 fathoms of set gillnet. The additional gear may help to limit sockeye salmon escapement into the Naknek River when fishing is restricted to the NRSHA.

BACKGROUND: The NRSHA has been open to set gillnet fishing for some portion of each season from 2000 to 2007. In six of those years, sockeye salmon escapement to the Naknek River exceeded the upper end of the sustainable escapement goal (SEG).

Year	Escapement	
2000	1,375,488	
2001	1,830,360	
2002	1,263,918	
2003	1,831,170	
2004	1,939,374	
2005	2,744,622	
2006	1,953,228	
2007	2,945,304	
2008	2,416,782	The NRSHA remained closed in 2008.

The sockeye salmon SEG range for the Naknek River is 800,000 to 1,400,000. However, when the NRSHA is open, an optimum escapement goal (OEG) established at the January, 2001, board meeting, raises the upper limit to 2,000,000 sockeye salmon. The recent large runs to the Naknek River have resulted in the upper end of the OEG being exceeded in two of the last four years, despite nearly continuous fishing. This is partially a result of the fishery being restricted to the much reduced area of the NRSHA for the majority of those fishing seasons. During the 2005 and 2007 seasons, processor harvest restrictions to both set and drift gillnet gear also contributed to the large escapements. The OEG was not in place in 2008 because the NRSHA remained closed for the entire season.

The current allocation plan for the NRSHA is based on a ratio of fishing periods (three drift to one set gillnet period), rather than percent of harvest.

The allowable length of a drift gillnet in the NRSHA was increased from 50 fathoms to 75 fathoms at the March, 2006 BOF meeting.

DEPARTMENT COMMENTS: The department **SUPPORTS** the use of additional gear in the NRSHA, which may limit sockeye salmon escapement to the Naknek River to some extent. The department is NEUTRAL on the possible allocative aspects of the proposal.

COST ANALYSIS: Adoption of this proposal is not expected to result in additional direct costs for private individuals to participate in this fishery.