Regional Information Report No. 1J08-22

Staff Comments on Regulatory Proposals for Southeast Alaska and Yakutat Dungeness Crab, King Crab, Tanner Crab, Shrimp and Miscellaneous Shellfish for the Board of Fisheries Meeting, January 21–27, 2009

by

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and

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December 2008

Alaska Department of Fish and Game **Division of Commercial Fisheries**

Symbols and Abbreviations

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Weights and measures (metric)

centimeter	cm
deciliter	dL
gram	g
hectare	ha
kilogram	kg
kilometer	km
liter	L
meter	m
milliliter	mL
millimeter	mm

Weights and measures (English)

cubic feet per second	ft^3/s
foot	ft
gallon	gal
inch	in
mile	mi
nautical mile	nmi
ounce	oz
pound	lb
quart	qt
yard	yd

Time and temperature

day	d
degrees Celsius	°C
degrees Fahrenheit	°F
degrees kelvin	K
hour	h
minute	min
second	s

Physics and chemistry

all atomic symbols	
alternating current	AC
ampere	A
calorie	cal
direct current	DC
hertz	Hz
horsepower	hp
hydrogen ion activity (negative log of)	pH
parts per million	ppm
parts per thousand	ppt, ‰
volts	V
watts	W

General

Alaska Administrative Code	AAC
all commonly accepted abbreviations	e.g., Mr., Mrs., AM, PM, etc.
all commonly accepted professional titles	e.g., Dr., Ph.D., R.N., etc.
at	@
compass directions:	
east	E
north	N
south	S
west	W
copyright	©
corporate suffixes:	
Company	Co.
Corporation	Corp.
Incorporated	Inc.
Limited	Ltd.
District of Columbia	D.C.
et alii (and others)	et al.
et cetera (and so forth)	etc.
exempli gratia (for example)	e.g.
Federal Information Code	FIC
id est (that is)	i.e.
latitude or longitude	lat. or long.
monetary symbols (U.S.)	$, ¢
months (tables and figures): first three letters	Jan,...,Dec
registered trademark	®
trademark	™
United States (adjective)	U.S.
United States of America (noun)	USA
U.S.C.	United States Code
U.S. state	use two-letter abbreviations (e.g., AK, WA)

Measures (fisheries)

fork length	FL
mideye-to-fork	MEF
mideye-to-tail-fork	METF
standard length	SL
total length	TL

Mathematics, statistics

all standard mathematical signs, symbols and abbreviations	
alternate hypothesis	H_A
base of natural logarithm	*e*
catch per unit effort	CPUE
coefficient of variation	CV
common test statistics	(F, t, χ^2, etc.)
confidence interval	CI
correlation coefficient (multiple)	R
correlation coefficient (simple)	r
covariance	cov
degree (angular)	°
degrees of freedom	df
expected value	*E*
greater than	>
greater than or equal to	≥
harvest per unit effort	HPUE
less than	<
less than or equal to	≤
logarithm (natural)	ln
logarithm (base 10)	log
logarithm (specify base)	$\log_2$, etc.
minute (angular)	'
not significant	NS
null hypothesis	H_O
percent	%
probability	P
probability of a type I error (rejection of the null hypothesis when true)	α
probability of a type II error (acceptance of the null hypothesis when false)	β
second (angular)	"
standard deviation	SD
standard error	SE
variance	
population	Var
sample	var

REGIONAL INFORMATION REPORT NO. 1J08-22

STAFF COMMENTS ON REGULATORY PROPOSALS FOR SOUTHEAST ALASKA AND YAKUTAT DUNGENESS CRAB, KING CRAB, TANNER CRAB, SHRIMP AND MISCELLANEOUS SHELLFISH FOR THE BOARD OF FISHERIES MEETING, JANUARY 21–27, 2009

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ABSTRACT

The Staff Comments on Regulatory Proposals for Southeast Alaska and Yakutat Dungeness Crab, King Crab, Tanner Crab, Shrimp and Miscellaneous Shellfish represent the department positions as they relate to proposal to be addressed at the Alaska Board of Fisheries Meeting, January 21–27, 2009.

Key words: Alaska Board of Fisheries Meeting, shellfish, king crab, Dungeness crab, shrimp, miscellaneous shellfish

Table 1.–Alaska Department of Fish and Game positions as they relate to Board of Fish proposals 133–198

Proposal Number	Department Position	Issue
133	N	Close Southeast Alaska area to sport fishing for shellfish.
134	N	Close sport shellfish fishing in Sitka Sound Special Use Area and restrict charter vessel use May 15–Sept. 15.
135	N	Require that sport shellfish post and rings be pulled by hand
136	N	Require tunnel eye openings in sport crab pots.
137	N	Establish a sport fish bag and possession limit for all species.
368	N	Restrict non-resident possession limit for all species.
139	N	Reduce the sport bag and possession limit for shrimp.
140	S	Amend reporting requirements for commercial shrimp fishery.
141	S	Amend pot limit in Southeast Alaska spot shrimp fishery.
142	N	Amend shrimp pot size limit.
143	N	Eliminate 10 percent trip bycatch limit on coonstripe shrimp.
144	N	Close commercial shrimp fishery around Sukoi Island.
145	N	Specify crab measurement devices and allow for broken spines.
146	O	Allow a 2 percent tolerance for mistakes made in sorting crab.
147	S	Modify sport fish definition on of a legal size Dungeness crab.
148	O	Change season dates for Dungeness crab fishery.
149	O	Match Dungeness season of Districts 1 and 2 to other waters of Registration Area A.
150	O	Match Dungeness season of Districts 1 and 2 to other waters of Registration Area A.
151	S	Allow flexibility in Dungeness crab management plan.
152	N	Require all permit holders to be onboard Dungeness vessel.
153	N	Prohibit use of two permits in Dungeness crab fishery.
154	N	Close sport fishing for Dungeness crab in areas closed to commercial fishing.
156	N	Reopen Chaik Bay to commercial Dungeness crab fishing.
157	N	Close waters near Coffman Cove to commercial Dungeness.
158	N	Close commercial Dungeness crab fishing Wrangell Narrows.
159	N	Close Naukati Bay to commercial crab fishing.
160	N	Reduce sport limits for Dungeness and tanner crab.
161	O	Allow ecotourism under direct supervision of registered guide.

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Table 1–continued (page 2 of 2)

Proposal Number	Department Position	Issue
162	N	Limit guided sport Dungeness pots/lifts in George Inlet.
163	N	Increase guided sport Dungeness pots/lifts in George Inlet.
164	N	Customary and traditional use of king crab in the Hoonah Area.
165	N	Port Frederick subsistence and personal use king crab fishing.
166	N	Customary and traditional use finding for red king crab in Section 6-A, District 8, and portion of District 10.
167	N	King crab in area 13B and 13C as a subsistence resource.
168	N	Subsistence / PU fishing for red/blue king crab in Peril Strait.
169	S	Close PU and sport Tanner crab season prior to king crab.
170	N	Close PU and sport Tanner crab season prior to king crab.
171	N	Start personal use king crab season in Hoonah sound July 1.
172	S	Align red/blue king crab subsistence and PU Yakutat fisheries.
173	N	Change Section 11-A red/blue king crab allocation.
174	N	Restrict commercial crab fishing in Section 11-A.
175	O	Specify a seven day long red and blue king crab fishery.
176	S	Amend bag limit and season for personal use king crab fishery.
177	O	Increase seasonal quota for golden king crab.
178	O	Set guideline harvest based on logbook and dockside sampling.
179	N	Allow king crab taken in Tanner pots when seasons both open.
180	O	Prohibit square pots in golden king crab fishery.
181	O	Modify Tanner crab management plan and reporting.
182	O	Specify two week long Tanner crab fishery.
183	S	Extend gear storage time to 5 days for Tanner crab fishery.
184	O	Allow 120 pots for vessels with two Tanner permits onboard.
185	O	Allow additional pots if two permits are held.
186	S	Require escape rings on pots for Tanner crab.
187	O	Change opening date in Yakutat District 16 scallop fishery.
188	N	Establish equal share program for geoduck fishery.
189	N	Change start date of geoduck season to July 1.
190	N	Establish trip limits for geoduck fishery.
191	N	Divide Southeast into two areas for geoduck fishery.
192	S	Allow sub-regional area registration for geoduck fishery.
193	S	Correct latitude reference in Kliuchevoi Bay in District 13.
194	S	Allow use of tenders in sea cucumber fishery.
195	N	Move boundary for commercial sea cucumber fishery.
196	N	Reopen Clover Pass area to commercial sea cucumber fishing.
197	O	Delete onboard observer requirement for red sea urchin fishery.
198	S	Develop an octopus bycatch management plan.

PROPOSAL 133: AAC 47.020. GENERAL PROVISIONS FOR SEASONS AND BAG, POSSESSION, ANNUAL, AND SIZE LIMITS FOR THE SALT WATERS OF THE SOUTHEAST ALASKA AREA.

PROPOSED BY: Jeff Farvour.

WHAT WOULD THE PROPOSAL DO? This proposal would close all sport shellfish fisheries in Southeast Alaska.

WHAT ARE THE CURRENT REGULATIONS? Sport harvest limits for shellfish in Southeast Alaska are as follows:

Abalone: 5 daily and in possession; 3 ½ inch minimum size.

Dungeness and Tanner crab, in combination: 5 daily and in possession, males only; minimum size limit of 6 ½ inches for Dungeness crab and 5 ½ inches for Tanner crab.

Razor clams: 10 daily and in possession; closed in the Sitka Sound Special Use Area.

Rock scallops: 5 daily and in possession.

Weathervane scallops: 10 daily and in possession.

Shrimp: 10 pounds or quarts daily and in possession; closed in the Sitka Sound Special Use Area and two small areas near the communities of Ketchikan and Hollis.

King crab and geoducks: closed year-round.

Other shellfish species not specified: open year round to unlimited harvest.

WHAT WOULD BE THE EFFECTS IF THE PROPOSAL IS ADOPTED? This proposal would prohibit non-residents from harvesting any marine invertebrate species because the state's definition of "shellfish" includes all marine invertebrates. Alaska residents could continue to harvest shellfish under personal use regulations. The total recreational sport and personal use harvests of Dungeness crab would be reduced by roughly 39%, but the reduction with respect to all fisheries that harvest Dungeness crab would be only 1%. The effect on the total Tanner crab harvest would also be very low. Harvest estimates for shrimp and other marine invertebrate species such as razor clams, scallops, and abalone in the sport and personal use fisheries are not available.

BACKGROUND: The sport fishery for king crab and geoducks has been closed since 1989. The sport fishery for razor clams in the Sitka area has been closed since 1994. The most recent action to restrict sport harvest of shellfish occurred in 2006 when the Alaska Board of Fisheries closed the shrimp sport fishery in the following waters where commercial pot shrimp fishery is closed; the Sitka Sound Special Use Area, Twelve Mile Arm near Hollis, and a small portion of west Behm Canal near Ketchikan. This action was in response to concerns that sport shellfish harvests were displacing personal use harvesters and prompting commercial closures in localized areas.

In 1997, in response to allegations that charter operators and lodge owners were providing personal use and sport-caught shellfish to their clients, the Board adopted regulations prohibiting these businesses from supplying clients with sport, personal use, or subsistence-caught shellfish. Clients can obtain shellfish taken in these fisheries only if they harvest it themselves. In addition, captains and crewmembers of charter vessels are prohibited from deploying, setting, or retrieving their own gear in a sport, personal use, or subsistence shellfish fishery when their vessel is being chartered.

From 2003 to 2007, the combined sport and personal use harvests of Dungeness crab in Southeast Alaska have averaged about 78,000 crab. The non-resident harvest component was 39% of the sport and personal use harvest, but only about 1% of the total harvest taken in all fisheries. Recreational harvests of Tanner crab in Southeast Alaska average (2003–2007) about 2,500 crab. The non-resident portion of the recreation Tanner crab harvest is not known; however, it appears that very few non-residents harvest Tanner crab. The recreational Tanner crab harvest is roughly 1% of the harvest taken by all fisheries. Creel survey estimates of shrimp harvest during summer month are available for the ports of Juneau and Ketchikan. These estimates are of limited value as they do not show harvest by residency.

Over the past ten years, commercial Dungeness crab harvests have been above average, with the 2002/2003 harvest being the largest in the history of the fishery. Commercial shrimp guideline harvests levels and harvests have declined over the past few years and sharp declines have been observed in some closely monitored areas. No new shrimp closures have been proposed for the 2008/2009 season, but Guideline Harvest Levels (GHLs) have been revised downward in seven of the nineteen management areas. Over the past seven years, commercial Tanner crab harvests have been the lowest since 1975; a result of lower fishery effort and possible lower abundance.

DEPARTMENT COMMENTS: The Alaska Department of Fish and Game (department) is **NEUTRAL** on this allocative proposal.

COST ANALYSIS: Adoption of this proposal is not expected to add any direct cost for a private person to participate in this fishery.

PROPOSAL 134: 5AAC 47.036 AND 75.035. PROHIBITIONS AND SPORT FISHING GEAR FOR SHELLFISH.

PROPOSED BY: Zach LaPerriere.

WHAT WOULD THE PROPOSAL DO? This proposal would close the Sitka Management Area to sport fishing for shellfish. Additionally, it would restrict chartered vessels from participating in shellfish fisheries between May 15 and September 15.

WHAT ARE THE CURRENT REGULATIONS? The sport shellfish fisheries in Southeast Alaska are open year round. Regional sport shellfish bag and possession limits apply to the Sitka Area as follows:

Abalone: 5 daily and in possession; 3 ½ inch minimum size.

Dungeness and Tanner crab, in combination: 5 daily and in possession, males only; minimum size limit of 6 ½ inches for Dungeness crab and 5 ½ inches for Tanner crab.

Razor clams: 10 daily and in possession; closed in the Sitka Sound Special Use Area.

Rock scallops: 5 daily and in possession.

Weathervane scallops: 10 daily and in possession.

Shrimp: 10 pounds or quarts daily and in possession; closed in the Sitka Sound Special Use Area.

King crab and geoducks: closed year-round.

Other shellfish species not specified: open year round to unlimited harvest.

Sport fishing for shrimp is closed in the Sitka Sound Special Use Area (5AAC 47.021(g)(1)(d), but open in the remainder of the Sitka Management Area.

Current sport fishery regulations do not prohibit the use of registered charter vessels from fishing for shellfish. However, the captain and crewmembers of a charter vessel may not deploy, set, or retrieve their own gear in a sport, personal use, or subsistence shellfish fishery when that vessel is being chartered (5 AAC 47.036(b), 5 AAC 77.699(b), and 5 AAC 02.199(b)). In addition, a charter vessel cannot be used for any commercial fishery on the day that it is used for hire in a sport, personal use, or subsistence fishery.

Charter vessel operators, lodge owners, and their employees are also restricted from supplying sport subsistence or personal use-caught shellfish to their clients or guests unless the shellfish has been taken with gear deployed and retrieved by the client or guest, the gear has been marked with the client's or guest's name and address, along with the vessel name, Division of Motor Vehicles boat registration number or Coast Guard documentation number (5 AAC 75.035(1)),

and the shellfish is consumed by the client or guest or is consumed in the presence of the client or guest (5 AAC 47.036(a)(3), 5 AAC 77.699(a)(3) and 5 AAC 02.199(a)(3)).

Subsistence regulations allow qualified Alaska residents to harvest shellfish in areas with Customary and Traditional Use findings for those specific species.

Personal use regulations allow all Alaska residents the opportunity to harvest shellfish regionwide.

WHAT WOULD BE THE EFFECTS IF THE PROPOSAL IS ADOPTED? Sport harvest of shellfish by non-residents and residents using chartered vessels between May 15 and September 15 would be prohibited in the Sitka Area. Based on past levels of shellfish harvest as estimated by Sport Fish Division Statewide Harvest Survey (2003 – 2007), Dungeness crab would be reduced by about 54%, Tanner crab 16%, and clams 15%, in the Sitka Area. The harvest of shellfish in subsistence and personal use fisheries by resident anglers using charter vessels would also decrease. Because residents harvest shellfish under subsistence and personal use regulations, only residents and non-residents using charter vessels during summer months would be affected.

BACKGROUND: In response to allegations over increasing harvest of shellfish by charter operators and that sport or personal use caught shellfish was unlawfully being supplied to clients, the Board adopted regulations in 1997 prohibiting charter vessel operators, lodge owners, and their employees from supplying clients with sport subsistence or personal use caught shellfish. Charter vessel operators, lodge owners, and their employees were also restricted from supplying sport subsistence, or personal use caught shellfish to their clients or guests unless the shellfish has been taken with gear deployed and retrieved by the client or guest.

In 2006, the Board failed to adopt proposal 269 that sought to prohibit charter vessels from harvesting shellfish in the Sitka Sound Special Use Area from May 1 through September 15, and Proposal 267 that sought to prohibit charter vessels from fishing for shrimp in the Sitka Sound Special Use Area from May 1 through September 15. The department was neutral on these proposals and stated that the department did not have information by which to assess the existence or magnitude of the resource conservation issue. However, the Board did close the sport shrimp fishery within the Sitka Sound Special Use Area.

The concern being addressed by the current proposal is the perception that sport harvest of shellfish by non-residents has impacted resident harvest of shellfish. The Sitka area as defined on p. 17 of the regulatory summary includes the Sitka Sound Special Use Area, Baranof Island, and the western part of Chichagof Island.

Between 2003 and 2007 non-residents in the Sitka Area harvested an average of 4,382 Dungeness crab or 54.8% of the total harvest. Non-residents harvested between 0 and 295 Tanner crab or 15.7% of the total reported harvest. Non-residents harvested 152 gallons of clams or 14.7% of the total reported harvest. Fishing for shrimp is currently closed in the Sitka Sound Special Use Area, but open in the rest of the Sitka Management Area. Approximately 17% (average 2003 – 2007) of the shrimp harvest occurs by non-residents.

DEPARTMENT COMMENTS: The department is **NEUTRAL** on this allocative proposal. If this proposal were adopted, subsistence and personal use regulations would also need to be added.

COST ANALYSIS: The department does not believe that approval of this proposal will result in any additional direct cost for a private person to participate in this fishery.

PROPOSAL 135: 5AAC 47.035. METHODS, MEANS, AND GENERAL PROVISIONS – SHELLFISH.

PROPOSED BY: Tad Fujioka.

WHAT WOULD THE PROPOSAL DO? This proposal would prohibit the use of gas or electric powered winches or pullers, as well as retrieving systems that make use of a boat's engine when pulling shellfish gear that is being fished under sport fishing regulations.

WHAT ARE THE CURRENT REGULATIONS? Sport fishing gear for shrimp is limited to pots and ring nets. Crab may be taken by pots, ring nets, diving gear, dip nets, and hooked or hookless hand lines. There are no restrictions or requirements on how sport pots and ring nets must be retrieved, with the exception of a regulation prohibiting the captain and crew members of a charter vessel from deploying, setting, or retrieving shellfish gear when the vessel is being chartered.

WHAT WOULD BE THE EFFECTS IF THE PROPOSAL IS ADOPTED? All Alaska residents may fish for shellfish under personal use regulations; therefore, adoption of this proposal would affect only non-residents. Requiring sport shellfish gear to be operated by hand may reduce sport shellfish harvests if it reduces effort in terms of the number, frequency, and/or size of pots and rings fished. However, the number of fishermen that rely on powered pullers to harvest shellfish is unknown, and therefore, any potential reduction in effort is unknown.

BACKGROUND: The sport and personal use harvest of Dungeness crab in Southeast Alaska averages 78,000 crab, (2003–2007) of which, 39% are taken by non-residents. Sport and personal use Tanner crab harvests average 2,500 crab (2003–2007). The proportion of the Tanner crab harvest taken by non-residents is not known; however, the total sport fish and personal use harvest of both Tanner and Dungeness crabs is roughly 1% of the harvest taken in all fisheries combined.

Over the past ten years, commercial Dungeness crab harvests have been above average, with the 2002/2003 harvest being the largest in the history of the fishery. Commercial shrimp guideline harvest levels and harvests have declined over the past few years and sharp declines have been observed in some closely monitored areas. As a result, GHLs have been revised downward in seven of the nineteen management areas. Over the past seven years, commercial Tanner crab harvests have been the lowest since 1975; a result of lower fishery effort and possibly lower abundance.

DEPARTMENT COMMENTS: The department is **NEUTRAL** on this allocative proposal.

COST ANALYSIS: Adoption of this proposal is not expected to add any direct cost for a private person to participate in this fishery.

PROPOSAL 136: 5AAC 47.XXX. NEW SECTION.

PROPOSED BY: Southeast Alaska Fishermen's Alliance

WHAT WOULD THE PROPOSAL DO? This proposal would prohibit the use of top loading crab pots and require the tunnel eye opening of pots in sport fisheries be less than 5 inches in height.

WHAT ARE THE CURRENT REGULATIONS? Sport fishing for king crab is not allowed. Currently, there are no regulations on pot type or tunnel eye opening requirements for crab pots in the sport, personal use, or subsistence fisheries; however, pots used to take personal use king crab must have at least two 6 ¼ -inch escape rings on opposing sides of the pot on the vertical plane. Pots used to harvest Dungeness crab in the subsistence, personal use, and sport fisheries must have at least 4 3/8 inch escape rings on the opposite sides of the pots and must be on the upper half of the vertical plane. In addition, pots used for crab in the sport, personal use, and subsistence fisheries must also have a biodegradable escape mechanism (5AAC39.145).

Side loading crab pots used in the commercial Tanner crab fishing during the closed king crab season must have tunnel eye openings on the vertical plane of the pot less than five inches in height. Top loading pots, however, are allowed in the Tanner crab commercial fishery (5AAC35.050 (3)).

WHAT WOULD BE THE EFFECTS IF THE PROPOSAL IS ADOPTED? This proposal could reduce the incidental catch of king crab by restricting tunnel openings and prohibiting top loading pots. The department does not have information by which to assess the reduction of king crab catch if this proposal was adopted.

BACKGROUND: The king crab sport fishery has been closed throughout Southeast Alaska since 1989. The king crab personal use fishery for red and blue king crab has been closed regionwide by emergency order since 2007.

The proposers believe that king crab is being harvested illegally using legal gear for Dungeness and Tanner crabs.

Sport fishing for crab, excluding king crab, is allowed using many different pot types, including top loading pots that are used in the personal use and commercial fisheries to catch both king and Tanner crabs.

While fishing for and retaining shellfish species other than king crab is legal under sport regulations, gear (pots) used for other species is not specifically defined and the possibility exists to catch king crab with pots targeting Tanner and Dungeness crab. Commercial regulations include specific requirements for square pots to reduce incidental catch of king crab by limiting

the tunnel eye opening to less than five inches. Commercial regulations regarding top loading pots such as cones and pyramids do not include requirements defining the size of the horizontal opening.

DEPARTMENT COMMENTS: The department is **NEUTRAL** on this proposal. The magnitude of illegal harvest of king crab in the sport fishery is unknown, but suspected to be low since the sport king crab fishery is closed, which prohibits sport anglers from possessing king crabs.

COST ANALYSIS: Approval of this proposal will result in additional cost for private persons to participate in the Tanner crab fishery, as some pots currently used for Tanner crab would no longer be legal gear.

PROPOSAL 137: 5AAC 47.020. GENERAL PROVISIONS FOR SEASONS AND BAG, POSSESSION, ANNUAL, AND SIZE LIMITS FOR THE SALT WATERS OF THE SOUTHEAST ALASKA AREA.

PROPOSED BY: Southeast Alaska Fishermen's Alliance.

WHAT WOULD THE PROPOSAL DO? If adopted, this proposal would apply a 2 fish/shellfish bag limit with one day's possession limit and no annual limit for all currently unregulated species, other than herring. The herring bag and possession limits would be one five-gallon bucket of herring. As written, the regulations would apply to resident and non-resident anglers alike; however, the proposal is focused on chartered anglers.

WHAT ARE THE CURRENT REGULATIONS? The current bag and possession limits regarding sport harvests are within 5AAC 47.020 and those included species are shown in Table 137-1. However, local exceptions to these limits exist outside the scope of this proposal and the regional regulations.

WHAT WOULD BE THE EFFECTS IF THE PROPOSAL IS ADOPTED? There would be a large number of additional species of finfish and shellfish added to current regulations seen in 5AAC 47.020. For some species such as bivalve shellfish, smelt, and Eulachon, a decrease in harvests per angler would be expected since anglers/gatherers typically harvest more than two (2) per fishing trip. The proposed limit for herring (1 5 gal. bucket) is not an appropriate measure of harvest since sizes vary significantly, and this approach would be largely inconsistent with other bag limit regulations. Because sport harvest data typically does not exist for each unregulated species, the effect upon those harvests cannot be evaluated. It is likely that future proposals to the board would request either exceptions to these limits or request localized exceptions (5 AAC 47.021).

BACKGROUND: A review of Statewide Harvest Survey data for Southeast Alaska between 1997 and 2006 indicates that on average 97% of angler finfish harvests are species with bag and possession limits, while only 3% are unregulated species that this proposal is addressing. Furthermore, 87% of the estimated shellfish harvests are from species with bag limits, with the remaining 13% unregulated. Existing sport harvest data for unregulated species rarely includes individual species (Pacific cod), but primarily includes pooled estimates representing either a collection of a few species such as smelt (3 species or more) and hard shelled clams (numerous species), or large pooled groupings such as "other fish" and "other shellfish." This proposal only draws attention to sablefish (also known as black cod), which is but one of the many species falling into the "other fish" category. This category is known to include a large number of possible species that some anglers may take for food or use as bait, such as herring, which are commonly jigged and harvested in relatively high numbers. Harvest estimates for this group have ranged between 2,200 and 13,000 animals per species/group for all Southeast Alaska. Based on regional sport angling effort and harvests of "other finfish", that might include herring

or sablefish, we have estimated that one unregulated "other fish", on average, would be harvested for every 100 angler days of fishing effort. The same effort would lead to the average harvest of 155 other fish that currently have bag and possession limits. The marine sport creel survey program included examining sport catches for sablefish in all Southeast Alaska ports. Only several sablefish were observed in 2008. If sport harvests of sablefish were significant it would or will be identified by the existing creel program.

DEPARTMENT COMMENTS: The department is **NEUTRAL** on this allocative proposal. The department has no information that substantiates a demonstrated biological or management concern for these species throughout the entire region.

COST ANALYSIS: Adoption of this proposal is not expected to add any direct cost for a private person to participate in this fishery.

PROPOSAL 368: **5AAC 47.XXX. NEW SECTION. (Replaces Proposal 138.)**

PROPOSED BY: Southeast Alaska Fishermen's Alliance.

WHAT WOULD THE PROPOSAL DO? The proposal would restrict possession limits to equal one daily bag limit for all species of fish and shellfish harvested by non-resident anglers in both fresh and salt waters.

WHAT ARE THE CURRENT REGULATIONS? Current regulations that affect possession limits for Southeast Alaska are listed within 5 AAC 47.020, 5 AAC 47.021, 5 AAC 47.022, 5 AAC 47.023. They are also set annually by a number of management plans, including 5 AAC 47.045, 5 AAC 47.055, 5 AAC 47.057, 5 AAC 47.055, 5 AAC 33.381, 5 AAC 33.384, and through delegations of authority regarding GHL fisheries in 5 AAC 47.060, 5 AAC 47.065. Lastly, bag and possession limits can be adjusted under delegated emergency order (EO) authority as seen in AS 16.05.060.

WHAT WOULD BE THE EFFECTS IF THE PROPOSAL IS ADOPTED? Although the specific level of geographic coverage has not been stated by a specific codified regulation (5 AAC 47.XXX) , the proposal could apply regional possession limits on shellfish and finfish for non-resident anglers without regard for previously applied regulations, localized management plans, and delegated authority with GHL fisheries which may seek to liberalize harvests for anglers when possible. Furthermore, the resulting restrictions and reductions to sport harvests would not have been based on documented conservation problems or inabilities to manage harvests for sustainability. Although it is expected that there would be reductions in overall harvests of some marine and freshwater finfish species by non-resident anglers, the department has no way to assess the magnitude of the reductions. No effect would be expected on sport shellfish and king salmon harvests at the regional level since the sport shellfish possession limit already equals one daily bag limit.

BACKGROUND: Southeast Alaskan sport fisheries are managed for sustainability through regional and local regulations, management plans, delegations of authority, and by EO authority. Typically, regional sport regulations on possession limits are not applied differentially with regard to residency across the wide range of species managed, except lingcod where resident anglers have two-day's possession limit. Lastly, it should be noted that Pacific halibut are not included since they are federally managed and non-resident limits remain identical to residents. Discounting the exceptions, there are seven (7) species/group regulations where non-residents are allowed two-day's possession limit in marine waters. This includes sockeye, coho, pink and chum salmon, steelhead, and numerous species of pelagic and non-pelagic rockfishes. Regionally in freshwaters there are five (5) species with two-day's possession limit for both nonresidents and residents. These include steelhead, sockeye, coho, pink and chum salmon. At the localized level, some fisheries such as Florence Lake allow two-day's bag limits of cutthroat

trout in possession and the Stikine River King Salmon Management Plan (5 AAC 47.057.) has residency-based possession limits for the marine king salmon fishery.

DEPARTMENT COMMENTS: The department is **NEUTRAL** on this allocative proposal. The department has no information that substantiates a demonstrated biological or management concern for these species throughout the entire region.

COST ANALYSIS: Adoption of this proposal is not expected to add any direct cost for a private person to participate in this fishery.

PROPOSAL 139: 5AAC 47.020(16). GENERAL PROVISIONS FOR SEASONS AND BAG, POSSESSION, ANNUAL, AND SIZE LIMITS FOR THE SALT WATERS OF THE SOUTHEAST ALASKA AREA.

PROPOSED BY: Southeast Alaska Fisherman's Alliance.

WHAT WOULD THE PROPOSAL DO? If adopted, this proposal would reduce the sport bag and possession limit of shrimp from 10 pounds or quarts to 3 pounds or quarts.

WHAT ARE THE CURRENT REGULATIONS? The current sport bag and possession limit for shrimp is 10 pounds or quarts.

WHAT WOULD BE THE EFFECTS IF THE PROPOSAL IS ADOPTED? Since all Alaska residents can harvest shrimp under personal use regulations, reducing the bag and possession limit for shrimp would only reduce harvest opportunity for non-residents. The effect this would have on sport harvest is difficult to assess as sport and personal use harvests are not estimated.

BACKGROUND: In response to allegations that charter operators and lodge owners were providing personal use and sport-caught shellfish to their clients, the Board adopted regulations in 1997 prohibiting charter vessel operators, lodge owners, and their employees from supplying clients with sport-caught or personal use-caught shellfish. Clients may obtain sport or personal use-caught shellfish if they harvest it themselves. Additionally, the captain and crewmembers of a charter vessel man not deploy, set, or retrieve their own gear in a sport or personal use shellfish fishery when that vessel is being chartered.

In 2006, after hearing testimony that growing sport shrimp harvests were displacing personal use harvesters, as well as prompting commercial closures in localized areas, the Board established a sport shrimp closure in the following waters where the commercial pot shrimp fishery is closed: the Sitka Sound Special Use Area, Twelve Mile Arm near Hollis, and a small portion of west Behm Canal near Ketchikan.

Creel survey estimates of shrimp harvest are available for the Juneau and Ketchikan areas; however, they are of limited value as they do not show harvest by residency.

Commercial shrimp harvests have declined recently and sharp declines have been observed in some closely monitored areas. No new shrimp closures have been proposed for the 2008/2009 season, but GHLs have been revised downward in seven of the nineteen management areas.

DEPARTMENT COMMENTS: The department is **NEUTRAL** on this allocative proposal.

COST ANALYSIS: Adoption of this proposal is not expected to add any direct cost for a private person to participate in this fishery.

PROPOSAL 140: 5AAC 31.143. REPORTING REQUIREMENTS FOR SHRIMP CATCHER-PROCESSOR AND CATCHER-SELLER VESSELS IN REGISTRATION AREA A.

PROPOSED BY: Alaska Department of Fish and Game.

WHAT WOULD THE PROPOSAL DO? Reporting requirements in the Southeast Alaska pot shrimp fishery would be revised to provide the department with more complete and timely effort and harvest information. All shrimpers would be required to contact the department within 48 hours of starting or stopping fishing activities in any district. The department would have the option to require that additional information be reported during catcher-processor required weekly call-ins. This provision would allow the department to require reporting of daily harvests by size category if necessary for conservation and development of the shrimp resource. The department would have the option to require that catcher-sellers report to the department inseason on a weekly basis, just as catcher-processors now do. This proposal is also housekeeping in nature as it would clear up inconsistencies in current regulatory language.

WHAT ARE THE CURRENT REGULATIONS? Current regulations require that catcher-processors call in and report harvest information within 72 hours of the closure of a district in which they are fishing. Current regulations specify exactly what information is to be reported to the department during weekly call-ins, but do not allow for flexibility. Current regulations only require that catcher-processors call in on a weekly basis, but not catcher-sellers. Fishermen who deliver to shore-based processing plants are not required to call in.

WHAT WOULD BE THE EFFECTS IF THE PROPOSAL IS ADOPTED? The department would have better estimates of fishing effort levels and effort shifts in each of the 19 areas in the region that are managed for a specified GHL. If voluntary catcher-processor logbook information (which specifies daily harvest poundages be broken out into size categories on fish tickets) is shown to provide meaningful and cost effective information for stock assessment purposes, then the department would require that information. If a significant portion of the shrimp fishing fleet is not required to report harvests to the department, and the department is having difficulty accurately monitoring harvests, then the department may require that catcher-sellers report harvests. The department would be more timely and accurate in managing areas for established GHLS, the resource would be less likely to be overharvested, and areas would be kept open until available GHLs are fully harvested by fishermen.

BACKGROUND: 5AAC 31.143 Reporting Requirements for Shrimp was first adopted in 1997 and required catcher-processors to report harvests within 72 hours after the closure of a district. In 2000, this regulation was modified so the department could require reporting inseason by emergency order and require separate fish tickets for each district. In 2003 the regulation specified catcher-sellers should complete fish tickets prior to offloading and selling shrimp. At the 2006 Board meeting the regulation was revised so that inseason reporting by catcher-

processors, which had been required and specified by emergency order, would be required by regulation and reported by calling the appropriate department area office by noon, Wednesday, of each week. Additionally, in 2006 the regulation was modified to require separate fish tickets for each day and each district fished. Reporting and fish ticket requirements were also adopted for the shrimp beam trawl fishery.

The department has generally had success with managing the districts to the desired guideline harvest levels and has experienced good compliance with harvest-reporting regulations, with very few citations being issued. In meetings with the department, the pot shrimp task force has encouraged enforcement actions to ensure effective fishery management and has also encouraged the use of voluntary logbooks to provide the department additional fishery-generated stock-specific information.

Over the past three years, inseason reporting has changed in two ways. For the 2007–2008 season, along with a sharp decline of the Japanese whole-frozen market, many fishermen who were formerly catcher-processors (and were required to report) elected to operate as catcher-sellers (who were not required to report). Consequently inseason reporting diminished and the department had greater difficulty monitoring harvest and effort. A second consequence of this change in market was a reduction of voluntary logbooks provided by catcher-processors to the department. The utility of logbook information has become more uncertain, as more product is sold in the form of shrimp tails to the domestic market. Figure 140-1 shows trends of total landings by processing license category.

The department's recommended revisions would allow for the department to require all shrimp fishermen who market their own product and issue their own fish tickets to report inseason. The department had considered requiring catcher-processor logbooks in regulation; however, such a requirement may be premature. Instead, the department would like the option to require logbook information by emergency order while evaluation of this potentially valuable data source continues.

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

COST ANALYSIS: Some fishermen that fish in remote areas may need to purchase cell phones or satellite phones and/or travel to areas where weekly telephone contact can be established with the department. Shrimpers would benefit if the department is better able to track effort and therefore, harvest levels, since there would be fewer times when the department would need to re-open a fishing area to harvest remaining GHL. The expense to the shrimpers of returning to the fishing grounds and re-deploying gear would be reduced.

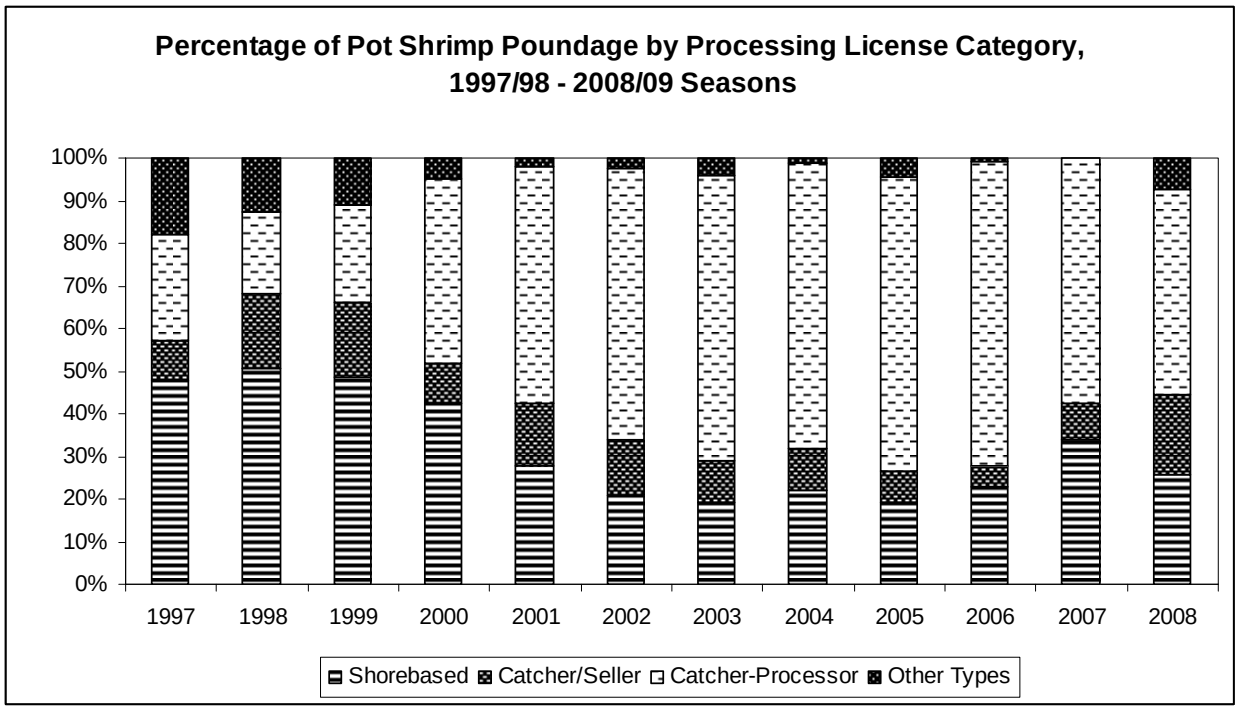

Figure 140-1–Percentage of total pounds landed by processing license category, 1997/08 through 2008/09 season.

Note: The data from 2008/09 season is preliminary; the season is ongoing.

PROPOSAL 141: 5AAC 31.124. LAWFUL SHRIMP POT GEAR FOR REGISTRATION AREA A

PROPOSED BY: Alan Reeves.

WHAT WOULD THE PROPOSAL DO? This proposal would eliminate the small pot size classification and retain the large pot size and limit.

WHAT ARE THE CURRENT REGULATIONS?

5AAC 31.124. LAWFUL SHRIMP POT GEAR FOR REGISTRATION AREA A. (e)(2) the number of shrimp pots that may be operated from a registered shrimp fishing vessel is 140 small pots or 100 large pots;

(A) a "small pot" has a bottom perimeter of no more than 124 inches;

(B) a "large pot" has a bottom perimeter of more than 124 inches, but not more than 153 inches;

(3) all pots on board a vessel or operated from a vessel must be of the same type and of the same size as defined in (2)(A) or (B);

WHAT WOULD BE THE EFFECTS IF THE PROPOSAL IS ADOPTED? Shrimpers currently using small pots could still use those pots but could only use 100 pots instead of 140 pots. The overall number of pots fished would decrease. Daily catch rates and annual harvests would be reduced for those fishermen who would be required to fish a reduced number of pots.

BACKGROUND: Current pot size restrictions and limits on number of pots first went into effect for the 1998–1999 pot shrimp season. At its 1997 meeting in Sitka, the Board decided on two different pot sizes based largely on the pot sizes that were historically used in the fishery and the size of the boats that fished large and small pots. The pot limits for large and small pots were decided based principally on testimony from shrimpers attending the meeting. That testimony indicated that the fishing power of 100 large pots was equivalent to 140 small pots.

There has been a large decrease in the total number of permit holders registered to fish and the percentage of permit holders registered to fish large pots since the 1998–1999 season. During the 1998 season, there were 107 shrimpers registered to fish large pots and 87 registered to fish small pots. From 1998 through 2004, the total number of permits registered decreased from 194 permits to 156 permits. The percent of large pot permits remained relatively the same during that time period with an average of 57% of the permit holders fishing large pots. From the 2004 season to the 2008 season, the total number of permit holders registered decreased to 102 permits and the percent fishing large pots decreased to 40% (Table 141-1).

The number of small pots in the fishery has remained relatively constant since 1998, whereas the number of large pots in the fishery has been reduced significantly. The number of small pots being fished since 1998 has averaged about 9,000 pots a season. However, the percentage of small pots being fished has increased dramatically within the past four years as the number of permits fishing large pots has decreased. The 1998 through 2004 average percentage of large pots and small pots in the fishery was approximately equivalent, 49% large and 51% small. Since the 2004 season, the percentage of small pots has increased to a level of 67% in the 2008 season (Figure 141-1).

The catcher-processor harvest data from 2002 through 2007, for Districts 5 through 10, indicates a higher catch per pot in large pots compared to small pots (Figure 141-2). Only catcher-processor's data was used from these districts because of the availability of the data, the better detail from catcher-processor tickets, and because catcher-processors typically take over 70% of the overall harvest. Although the catch per pot in large pots is higher, the additional 40 small pots theoretically would allow a slightly higher overall catch when hauling 140 small pots compared to hauling 100 large pots (Figure 141-3).

DEPARTMENT COMMENTS: The department **SUPPORTS** one uniform pot size and one pot limit. The department is **NEUTRAL** on the choice of large pots or small pots as the single desired pot size.

The department would support either a 100 pot limit on large pots or a 130 pot limit on small pots because it feels the relative catching power of those numbers of pots would be roughly equal. A uniform pot size and limit would be more enforceable. If the board chooses to adopt one new pot size and limit, the department would recommend allowing shrimpers an extended grace period of at least 5 years to phase in the new pots sizes to mitigate the cost of new gear.

COST ANALYSIS: There would be a significant cost for shrimpers who do not have pots that would satisfy the proposed regulations. Those shrimpers would have to buy a new string of gear so it would be more cost effective if they were allowed to phase in the new pots over a number of years. Fishermen report the cost of pots delivered to Southeast Alaska ranged from about $85/pot to about $120/pot so a string of pots would cost roughly $10,000 to $15,000 unrigged.

Table 141-1–Number of permit holders registered to fish large and small pots, 1998–2008.

Season	Small Pot	Large Pots	Total Permits	Percent Small Pots	Percent Large Pots
1998–99	87	107	194	45%	55%
1999–00	69	93	162	43%	57%
2000–01	70	105	175	40%	60%
2001–02	72	109	181	40%	60%
2002–03	67	89	156	43%	57%
2003–04	74	93	167	44%	56%
2004–05	68	88	156	44%	56%
2005–06	80	80	160	50%	50%
2006–07	70	80	150	47%	53%
2007–08	62	54	116	53%	47%
2008–09	61	41	102	60%	40%
98–04 Avg.	72	98	170	43%	57%
05–08 Avg.	68	64	132	52%	48%

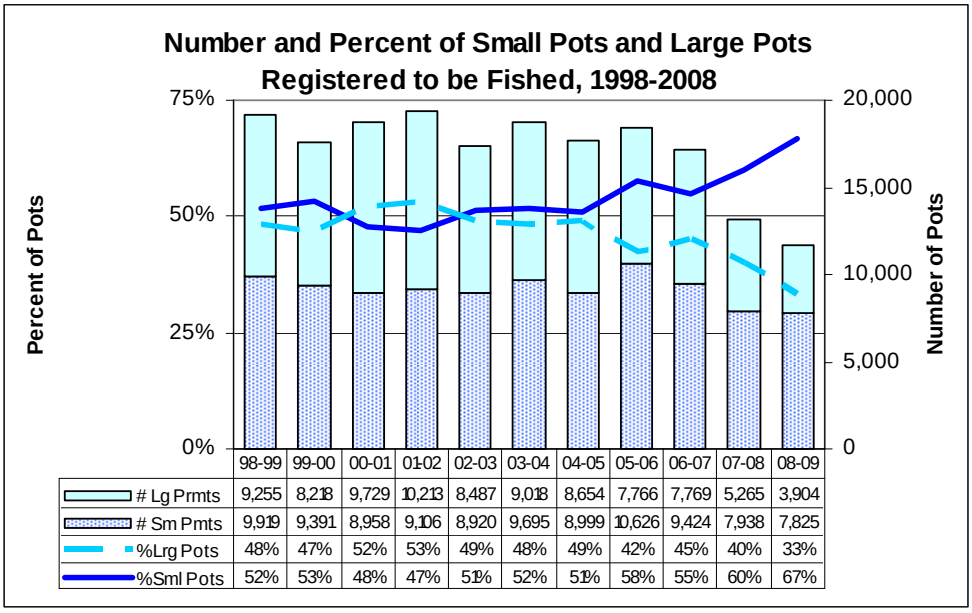

Figure 141-1–Number and percent of pots to be fished as indicated by the 1998–2008 pot shrimp registrations.

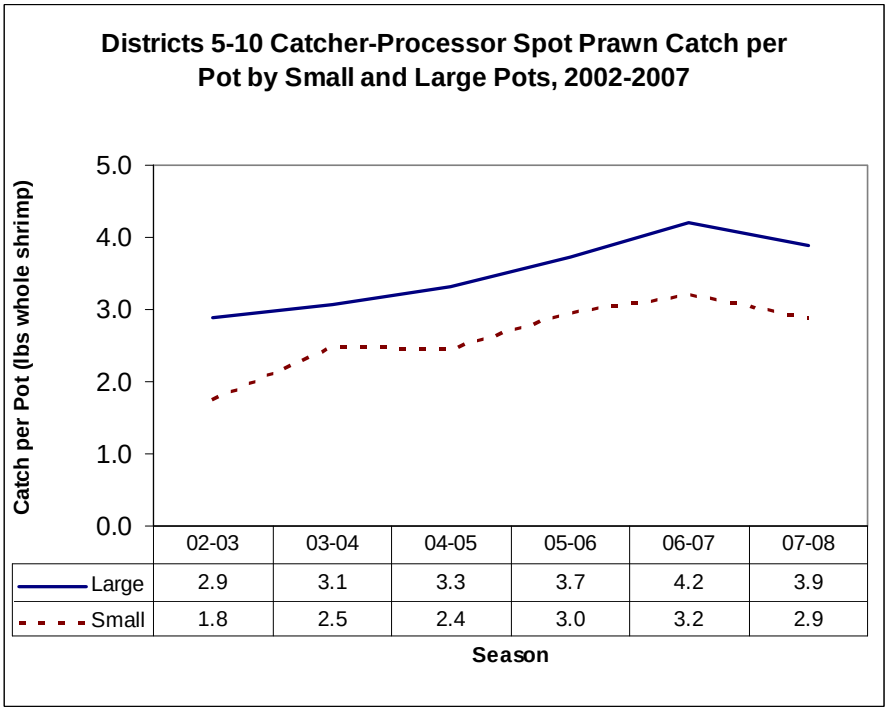

Figure 141-2–Districts 5 through 10 catcher-processor seasonal spot prawn catch per pot in small and large size pots during the 2002 through 2007 seasons.

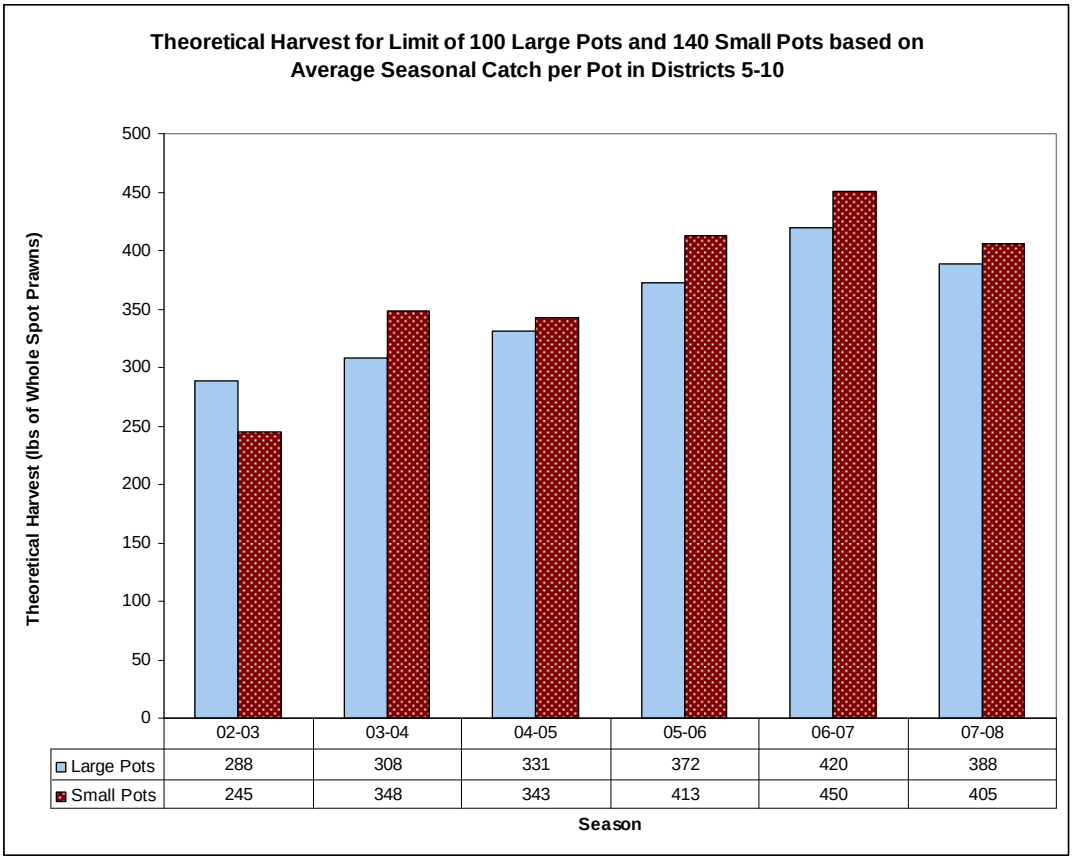

Figure 141-3–Theoretical harvest of limit of 100 large pots and 140 small pots based on average seasonal catch per pot for large and small pots shown in Figure 141-1.

PROPOSAL 142: 5AAC 31.124 LAWFUL SHRIMP POT GEAR FOR REGISTRATION AREA A.

PROPOSED BY: Alan Reeves

WHAT WOULD THE PROPOSAL DO? This proposal would change the existing size restrictions for commercial shrimp pots back to what was intended by the 1997 Board. It would change the perimeter of a "small pot" from 124 inches to a perimeter of 113, 114, 116 or 118 inches and would change the perimeter of a "large pot" from a size range of 124 inches to 153 inches to a size range of 146 or 148 inches to 151, 152, or 153 inches.

WHAT ARE THE CURRENT REGULATIONS?

5AAC 31.124. LAWFUL SHRIMP POT GEAR FOR REGISTRATION AREA A. (e)(2) the number of pots that may be operated from a registered shrimp fishing vessel is 140 small pots or 100 large pots;

(A) a "small pot" has a bottom perimeter of no more than 124 inches;

(B) a "large pot" has a bottom perimeter of more than 124 inches, but not more than 153 inches;

(3) all pots on board a vessel or operated from a vessel must be of the same type and of the same size as defined in (2)(A) or (B);

WHAT WOULD BE THE EFFECTS IF THE PROPOSAL IS ADOPTED? Shrimpers who are currently fishing pots that do not fall into the new pot size parameters would no longer be able to fish those pots.

BACKGROUND: During the 1997 Board of Fisheries meeting in Sitka, the board adopted numerous regulations affecting the Southeast Pot Shrimp fishery. The primary pot shrimp regulations adopted were daily fishing periods, Guideline Harvest Ranges (GHRs), pot sizes, pot limits, pot marking requirements, and reporting requirements for catcher-processor and processing vessels. The primary intent of these regulations was to set parameters for the rapidly expanding and diversifying fishery, to decrease the efficiency of the fleet to allow for a slower and more orderly fishery, and decrease the harvest of small shrimp by requiring longer soak times.

In 1997, there were six proposals (Proposals 173–178) submitted by members of the public and Fish and Game Advisory Committees requesting limitations for pot sizes and/or number of pots. A Board committee dealt with pot shrimp issues. The committee could not reach a consensus about standard pot size and shape. The committee submitted Record Comment (RC) 69 entitled "Deliberation Points Area A Pot Shrimp Fishery." RC 69 contained four options which included variations in pot limits and maximum pot sizes for either three or four foot pots. During the deliberation period, there was extensive discussion concerning three and four foot pots and

maximum number of pots. There was no consensus reached among board members and discussions switched to other issues concerning the pot shrimp fishery. Later in the pot shrimp fishery deliberation period, one of the Board members presented RC 75 entitled "Recommendations Pot Shrimp Fishery A." RC 75 contained the committee's final recommendations, including recommendations on pot sizes and limits. The committee recommended two different pot sizes and limits: 100 four-foot pots with an outside top and bottom perimeter no greater than 12'8" and no less than 12'4" and 140 three-foot pots with an outside top and bottom perimeter no greater than 9'6." The Board voted 6-0-1 in favor, substituting RC 75 for RC 56, with one amendment concerning gear registration and gear identification. During the remainder of the deliberations, changing the pot sizes contained in RC 75 was not discussed. However, RC 75 was the only proposal the Board discussed until right before the vote was taken. At the time of voting, the question was called on Proposal A as amended. It passed 6-0-1. Proposal A contained regulatory language for the Area A pot shrimp fishery.

Proposal A did not contain the exact language concerning pot sizes that was in RC 75. Proposal A defined a small pot as a pot that has a bottom perimeter of no more than 118 inches (9'10") and a large pot as pot that has a bottom perimeter of no more than 153 inches (12'9") and no less than 146 inches (12'2"). The small pot perimeter was four inches larger than in RC 75. The large pot perimeter maximum size was one inch larger and the large pot minimum size was two inches smaller than the dimensions listed in RC 75.

The language adopted into regulation differs from both Proposal A and RC 75. Current regulations define a small pot as a pot that has a bottom perimeter of no more than 124 inches (10'4") and a large pot as a pot that has a bottom perimeter of more than 124 inches (10'4") but not more than 153 inches (12'9"). The small pot perimeter differs by six inches from Proposal A and by ten inches from RC 75. The large pot maximum perimeter does not differ from Proposal A, but differs from RC 75 by one inch. The large pot minimum perimeter differs from Proposal A by 22 inches and from RC 75 by 24 inches (Table 142-1.).

DEPARTMENT COMMENTS: The department is **NEUTRAL** on this proposal.

The department has reviewed the 1997 proposals, RCs, meeting notes, tape recordings of the pot shrimp deliberations, and personal notes of the Southeast Area Shellfish Biologist at that time, now retired.

There is no clear path between the 1997 proposals, the board's deliberations, and the existing regulatory language. Based on the department's review of the historical documents on this issue, the existing regulatory language does not appear to represent the board's intent in 1997.

Because of this, the department feels it would be best to provide a hypothesis on how the existing pot sizes occurred and what the board probably intended.

1. The differences in small pot sizes from RC 75 to Proposal A are more readily explained than the differences in Proposal A to the language in regulation.
    a. When discussing small pots, the board referred to "three-foot" pots. These are pots with a bottom diameter of 36 inches and a perimeter of 113 inches.

b. According to the personal notes of the SE Area Shellfish Biologist, most pots that are considered to be three-foot pots actually have an outside bottom diameter of 37 inches as demonstrated by examples of pots that were at the meeting.
c. A 37-inch diameter equates to a bottom perimeter of 116.24 inches. This is about two inches more than what was listed in RC 75 (9'6" or 114 inches) and about two inches less than what was listed in Proposal A (118 inches).
d. Board Member Coffey, when discussing RC 75, talked about allowing a leeway of plus or minus two inches for large pot perimeters and that was how they ended up with range of perimeters listed in RC 75 for large pots.
e. When drafting regulations for Proposal A, it is possible that this was applied to small pots as well. As a result, the draft regulations could have used the perimeter for a 37-inch diameter pot and added the leeway of two inches to derive the 118 inch perimeter listed in Proposal A.

Department's supposition on small pots: It was the board's desire to accommodate both sizes of pots. Changing the small-pot bottom perimeter to a perimeter of 116.24 inches or a 37-inch diameter pot was a logical change that would have been within the board's intent and would have accommodated the sizes of small pots that were being used by the fleet. There was no intent by the board to add an extra two inches to the perimeter of small pots. **The existing regulation should read, "a 'small pot' has a bottom perimeter of no more than 116.24 inches."**

2. The differences in large pot size ranges from RC 75 to Proposal A are unclear.
    a. The perimeter of a four-foot pot is 151 inches (Table 1).
    b. Board Member Coffey discussed a leeway of plus or minus two inches for large pots.
    c. Using a four-foot pot perimeter, this equates to a range from 149 inches to 153 inches. The maximum matches the maximum contained in Proposal A but not in RC 75. The minimum does not match either RC 75 or Proposal A.

Department's supposition on large pots: The differences from Proposal A to wording contained in regulation cannot be explained. It is possible that the differences were due to errors in transcription. **The existing regulation should read, "a 'large pot' has a bottom perimeter of more than 149 inches, but not more than 153 inches."**

The differences in small-pot perimeters from RC 75 to Proposal A to the current regulations seem relatively small. There is a ten-inch difference in perimeter and approximately a three-inch difference in diameter from RC 75 to the current regulations. However, small increases in diameter result in exponential increases in surface area of the bottom of the pot. During the course of the meeting there was significant discussion on the bottom area of the pot being the single most important aspect of the pot affecting catch. As the bottom area of the pot increases the catch was thought to increase exponentially. The board discussed the number and size of large and small pots in RC 75 being an "equitable division." An equitable division equated the catching power of 100 large pots as similar to the catching power of 140 small pots. Although the total bottom area of 140 small pots does not equal the total bottom area of 100 large pots given the dimensions discussed in RC 75, Board Member Coffey stated that the fishermen in

attendance were in general agreement that the pot sizes and limits in RC 75 would be equitable. The bottom area of a small pot described in regulation is 18% larger than the bottom area of a small pot described in RC 75. This same comparison in the in the maximum size of a large pot is approximately 1% (Table 1).

Any significant changes in pot sizes would necessitate a minimum implementation time of five years.

COST ANALYSIS: If the board adopted this proposal and changed the current regulations to the language contained in either 1997 RC 75 or 1997 Proposal A, the cost to an unknown number of pot shrimpers would be substantial. There could be shrimpers that are currently fishing with pots that do not meet dimensions described in either RC 75 or Proposal A. These shrimpers would have to buy a whole new set of pot gear.

Table 142-1–Pot Parameters for three and four-foot pots and Pot Parameters listed in RC 75, Proposal A and the current regulations.

Pot Parameters (inches)	"Three and Four Foot"	RC 75	Proposal A	Current Regulations (5AAC 31.124(c)(2)(A)&(B)
Perimeter of Small	113	114	118	124
Perimeter of Large	151	148 to 152	146 to 153	124 to 153
Diameter of Small	36.0	36.3	37.6	39.5
Diameter of Large	48.0	47.1 to 48.4	46.5 to 48.7	39.5 to 48.7
Max Area of Small	1,018	1,034	1,110	1,224
Max Area of Large	1,810	1,840	1,863	1,863
Total Area of 140 Small	142,503	144,728	155,451	171,385
Total Area of 100 Large	180,956	183,984	186,272	186,272

PROPOSAL 143: **5AAC 31.116(c). SHRIMP BEAM TRAWL GUIDELINE HARVEST RANGES AND BYCATCH LIMITS FOR REGISTRATION AREA A.**

PROPOSED BY: Dennis Sperl.

WHAT WOULD THE PROPOSAL DO? The proposal would eliminate the trip bycatch limit for coonstripe shrimp described in 5 AAC 31.116(c). The seasonal bycatch limits for spot and coonstripe shrimp by district described in 5 AAC 31.116(b) would remain. Surrender to the state of the proceeds of spot and coonstripe shrimp bycatch in excess of the seasonal limits, as described in 5 AAC 31.116(d), would remain.

WHAT ARE THE CURRENT REGULATIONS? (b) The following are the bycatch limits that apply to the taking of spot and coonstripe shrimp that are less than 60 count per pound, based on whole weight, by beam trawl in Registration Area A:

(1) District 1:

(A) 1,000 pounds of spot shrimp;

(B) 1,000 pounds of coonstripe shrimp;

(2) District 3:

(A) 1,000 pounds of spot shrimp;

(B) 3,000 pounds of coonstripe shrimp;

(3) District 5:

(A) 1,000 pounds of spot shrimp;

(B) 1,000 pounds of coonstripe shrimp;

(4) District 6:

(A) in that portion north of a line from Mitchell Point to Point St. John:

(i) 1,000 pounds of spot shrimp;

(ii) 9,000 pounds of coonstripe shrimp;

(B) in that portion south of a line from Mitchell Point to Point St. John:

(i) 1,000 pounds of spot shrimp;

(ii) 1,000 pounds of coonstripe shrimp;

(5) District 7:

(A) in that portion of the Eastern Passage west of 132º 06.50' W. long.:

(i) 1,000 pounds of spot shrimp;

(ii) 1,000 pounds of coonstripe shrimp;

(B) in the remaining portion of Eastern Passage west of 132º 06.50' W. long.:

(i) 1,000 pounds of spot shrimp;

(ii) 2,000 pounds of coonstripe shrimp;

(6) District 8:

(A) 6,000 pounds of spot shrimp;

(B) 10,000 pounds of coonstripe shrimp;

(7) District 9:

(A) 2,000 pounds of spot shrimp;

(B) 2,000 pounds of coonstripe shrimp;

(8) District 10:

(A) in that portion east of the longitude and south of the latitude of the westernmost tip of Cape Fanshaw:

(i) 1,000 pounds of spot shrimp;

(ii) 3,000 pounds of coonstripe shrimp;

(B) in that portion west of the longitude and north of the latitude of the westernmost tip of Cape Fanshaw:

(i) 2,000 pounds of spot shrimp;

(ii) 7,000 pounds of coonstripe shrimp;

(9) District 11:

(A) in Sections 11-A and 11-B combined;

(i) 1,000 pounds of spot shrimp;

(ii) 4,000 pounds of coonstripe shrimp;

(B) in Sections 11-C and 11-D combined;

(i) 1,000 pounds of spot shrimp;

(ii) 1,000 pounds of coonstripe shrimp.

(c) In the districts specified in (b) of this section, a beam trawl permit holder must retain, weigh, and report all spot and coonstripe shrimp that are less than 60 count per pound, based on the whole weight of the shrimp. Except in District 11, the permit holder must weigh and report as bycatch overage on an ADF&G fish ticket all spot and coonstripe shrimp less than 60 count per pound and in excess of 10 percent whole weight of all targeted shrimp species on board the vessel. A permit holder shall surrender to the state the proceeds from the sale of spot and coonstripe shrimp that are less than 60 count per pound and that exceed the 10 percent bycatch level.

(d) If the cumulative harvest of spot or coonstripe shrimp taken during a fishing season for any district reaches the bycatch level specified in (b) of this section, the permit holder shall retain, weigh, sell, and report on an ADF&G fish ticket, all harvest of spot and coonstripe shrimp taken

that are less than 60 count per pound. The permit holder shall surrender to the state all proceeds from the sale of bycatch that exceeds these limits.

WHAT WOULD BE THE EFFECTS IF THE PROPOSAL IS ADOPTED? Beam trawlers targeting pink and sidestripe shrimp would be able to keep proceeds from selling coonstripe shrimp up to the current seasonal bycatch limits that would otherwise need to be surrendered to the state to abide by the 10% trip bycatch limits. This proposal would also allow a permit holder the opportunity to harvest a district's seasonal coonstripe bycatch limit in a single trip.

BACKGROUND: Guideline harvest ranges (5 AAC 31.116) and seasonal fishing periods (5 AAC 31.111) were established for the beam trawl shrimp fishery for "traditional" Districts 6, 7, 8, and 10 of Registration Area A at the January/February 1989 Board of Fisheries meeting in Petersburg. GHRs and seasonal fishing periods were established for "non-traditional" Districts 3, 5, 9, 11, and those portions of 6, 7, and 10 not previously defined as within the "traditional" areas, following the 1993 Board meeting in Sitka. A fourth seasonal fishing period was added in District 8 following the January 1997 Board meeting in Sitka 1997. As GHRs for this district were set for each fishing period, this effectively raised the upper end of the District 8 GHR for the entire season. The GHRs established by these regulations specify only "shrimp," there is no breakdown by species.

In response to interest by industry in targeting larger shrimp, a directed sidestripe fishing regulation (5 AAC 31.112) was developed at the January of 1997 Board meeting. This regulation allowed the department to open a directed sidestripe fishery by emergency order. Conditions for this fishery included: larger mesh, logbooks, a maximum of 50,000 pounds of sidestripe shrimp per district or section, and that the incidental cumulative catch of other species of pandalid shrimp would not exceed 10 percent, by weight, of all shrimp taken (5 AAC 31.112 (b) (2)). At the time this was the only beam trawl shrimp fishery in Registration Area A with an established "bycatch" limit on non-target shrimp species.

At its 2003 meeting, the Board dealt with a suite of proposals regarding spot and coonstripe bycatch in the beam trawl fishery. Proposal 249 sought to limit all beam trawl harvest to species other than spot and coonstripe shrimp. Proposal 251 would have provided separate guideline harvest ranges (GHR) for spot shrimp and all other shrimp captured during the beam trawl fishery based upon fish ticket data documenting historic average species composition. Proposal 252 would have amended the current regulation to provide for separate guideline harvest ranges (GHR) for coonstripe shrimp and all other shrimp captured during the beam trawl fishery based upon fish ticket data documenting historic average species composition. Proposal 253 would have capped the season's beam trawl harvest of spot shrimp at 10 percent of the GHL for each district or section or 5,000 pounds, whichever was lower. The board decided to deal with all of the relevant spot and coonstripe shrimp bycatch in the beam trawl fishery issues in Proposal 253. The trip and seasonal bycatch limits currently in regulation originated at this meeting.

The pot shrimp fishery primarily targets spot shrimp. Sixteen out of the 19 GHL areas are spot shrimp only GHLs. District 11 is a combined spot and coonstripe shrimp GHL and Districts 15 and 16 have GHLs for coonstripe shrimp only. Outside of those districts, the catch of coonstripe shrimp is generally very low, with the exception being District 7. During the last 10 years the

coonstripe shrimp harvest in District 7 has ranged from 7,000 to 36,000 pounds. District 7 has the largest harvest of coonstripe shrimp in the region for years when District 15 and District 16 are not open. Spot and coonstripe shrimp are taken incidental to the Alaskan pink and sidestripe shrimp that are targeted during the beam trawl shrimp fishery in the traditional fishing areas of Districts 6, 7, 8, and 10 and in the non-traditional areas of Districts 3, 5, 6, 7, 9, 10, and 11. Harvest in pounds of coonstripe shrimp by district in the traditional and non-traditional beam trawl areas over the last ten full seasons is listed in Table 143-1. Harvest in pounds of coonstripe shrimp harvested in the pot shrimp fishery by district for the past ten full seasons is listed in Table 143-2.

The beam trawl fishery is much different now than when these bycatch issues were addressed in 2003. The market for Southeast Alaska pink shrimp has virtually collapsed since the major buyer in Petersburg shut down its peelers in June of 2005. The reason for the shutdown was that Southeast Alaska pink shrimp could not compete with the prices and volumes of northern shrimp from eastern Canada. The few fishermen left participating in the beam trawl fishery have switched to larger mesh nets to more effectively target sidestripe shrimp for smaller buyers and dockside sales. Currently there are five registrants in the 2008/09 beam trawl fishery.

DEPARTMENT COMMENTS: The department is **NEUTRAL** on this proposal for its allocative implications since adopting this proposal may make it easier to reach the coonstripe seasonal bycatch limits currently in regulation, and therefore, have an unknown effect on coonstripe harvest in the pot shrimp fishery. There are indications from beam trawlers that coonstripe shrimp are encountered seasonally in some areas with softer, level bottom traditionally fished for pink and sidestripe shrimp. ,Eliminating the trip bycatch limit for coonstripes would likely result in fewer discards of coonstripe shrimp, and would allow beam trawlers more flexibility in pursuing the target species of pink and sidestripe shrimp.

COST ANALYSIS: This proposal is not expected to result in additional direct cost for the private person to participate. If adopted, this proposal may result in reducing the direct cost for the private person to participate since productive pink and sidestripe shrimp grounds closer to port that have coonstripe bycatch at certain times of the year could be fished in favor of other more distant grounds.

Table 143-1–Harvest in pounds of coonstripe shrimp by district caught in the Registration Area A beam trawl fishery, 1998/99–2007/08 seasons.

	Season									
District	1998/1999	1999/2000	2000/2001	2001/2002	2002/2003	2003/2004	2004/2005	2005/2006	2006/2007	2007/2008
103	5,750	*	*	*	*	0	0	*	0	0
105	0	0	0	0	0	0	0	0	0	0
106	1,445	760	*	*	0	0	*	0	0	0
107	451	0	*	716	0	0	0	0	0	0
108	2,256	3,300	3,296	1,478	4,930	2,243	1,986	1,167	*	*
109	*	*	*	1,059	*	0	0	0	0	0
110	3,190	*	*	1,778	4,067	*	*	*	*	*
111	*	3,629	4,711	0	0	0	0	0	0	0

*Where number of permits participating is less than 3 boats, information is considered confidential.

Table 143-2–Harvest in pounds of coonstripe shrimp by district caught in the Registration Area A pot shrimp fishery, 1998/9 –2007/08 seasons.

	Season									
District	1998/1999	1999/2000	2000/2001	2001/2002	2002/2003	2003/2004	2004/2005	2005/2006	2006/2007	2007/2008
103	*	*	0	*	*	*	0	221	0	0
105	*	*	*	0	*	*	*	0	0	0
106	2,914	3,069	2,124	*	38	218	*	441	*	*
107	35,985	24,703	14,995	24,924	14,292	17,292	10,899	7,983	6,795	8,155
108	4,101	2,687	1,828	2,111	2,223	1,867	913	3,453	2,209	1,650
109	275	0	*	*	*	*	0	0	0	*
110	1,607	*	145	*	*	*	0	0	0	*
111	4,791	*	2,792	8,366	334	3,162	*	*	0	*

*Where number of permits participating is less than 3 boats, information is considered confidential.

PROPOSAL 144: 5AAC 31.136 CLOSED WATERS IN REGISRATION AREA A.

PROPOSED BY: Steve Burrell.

WHAT WOULD THE PROPOSAL DO? . This proposal would close an area in the waters of District 8 in Frederick Sound around Sukoi Islands to commercial shrimp fishing.

WHAT ARE THE CURRENT REGULATIONS? .5AAC 31.136. CLOSED WATERS IN REGISRATION AREA A (a) Shrimp may not be taken

(1) with trawls in the waters of Lituya Bay…
(2) with trawls in the waters of Tenakee Inlet…
(3) in the waters of District 13-B….
(4) in the waters of Twelve-mile Arm…
(5) in the waters east of a line from Indian Point…

WHAT WOULD BE THE EFFECTS IF THE PROPOSAL IS ADOPTED? Commercial pot shrimpers and beam trawlers would be prohibited from fishing in the waters of Frederick Sound in District 8 that are within a 1-mile radius of Sukoi Island. If the proposal is adopted it will be difficult to enforce a 1-mile radius. Clearly identified point-to-point closure lines are generally used for closure areas.

BACKGROUND: The Sukoi Islands area lies within statistical area 108-60. This statistical area encompasses all waters of District 8 north and west of a line from Frederick Point to Horn Cliffs to the District 8 and District 10 boundary. Spot shrimp fishing areas within statistical area 108-60 utilized by commercial, sport, and personal use shrimpers are Horn Cliffs, McDonald Islands, Frederick Point to Sandy Beach, and the Sukoi Islands (Figure 144-1).

The commercial pot shrimp fishery opens by regulation on October 1 of each year. Districts or sections of districts are managed to a Guideline Harvest Level (GHL). Once the GHL is reached they are closed by emergency order. If the GHL is not reached the season closes by regulation on February 28 and may reopen from May 15 through July 31. The GHL for District 8 is 20,000 pounds of spot shrimp. The average season length since a specific GHL for District 8 was established in 1997 has been 40 days.

Commercial pot shrimpers have harvested various quantities of spot shrimp from statistical area 108-60 in seven of the past 11 years. The effort has varied from one to seven pot shrimpers. The average spot shrimp harvest for those seasons has been 901 pounds or 5% of the District 8 harvest. (Seasonal catches in most years from this stat area cannot be reported due the confidential nature of the data.) The exact amount harvested from the Sukoi Islands area is unknown since the harvest is reported from the entire statistical area not the specific area fished.

Commercial beam trawl regulations prohibit beam trawlers from targeting spot and coonstripe shrimp. However, this proposal would eliminate a few traditional pink and sidestripe shrimp drags within one mile of the Sukoi Islands. Commercial beam trawlers have harvested shrimp from statistical area 108-60 in all of the past 11 seasons. Effort each season by beam trawlers in 108-60 has varied from 1 to 5 permits fished. The average shrimp harvest of all species caught by beam trawlers in 108-60 for the past 11 seasons has been 25,854 pounds, or 5% of the District 8 harvest as a whole. The exact amount harvested by beam trawlers from the Sukoi Islands area is unknown since the harvest is reported from the entire statistical area, not the specific geographic area fished.

The sport and personal use fisheries are open year round. ,Sport and personal use fisheries are limited to ten pots per person with a maximum of 20 pots per boat., Sport shrimpers are limited to ten pounds or ten quarts of shrimp daily and in possession. ,The annual harvest of shrimp by sport and personal use shrimpers is unknown. ,They are not required to record or report their harvest.

DEPARTMENT COMMENTS:, The department is **NEUTRAL** on this allocative proposal.

This proposal would close an area to commercial shrimp fishing while still allowing sport and personal use shrimpers to fish in that area. It is unknown if the area has been overfished creating a conservation problem. If the department feels there is concern for the health of the District 8 spot shrimp stock, the whole district would likely close to pot fishing rather than closing a small area within the district. If the conservation problem is severe enough, sport, and personal use closures would also be considered.

COST ANALYSIS: If adopted there would be an unknown cost to the commercial shrimpers fishing in District 8 due to reduced fishing area that historically had been utilized.

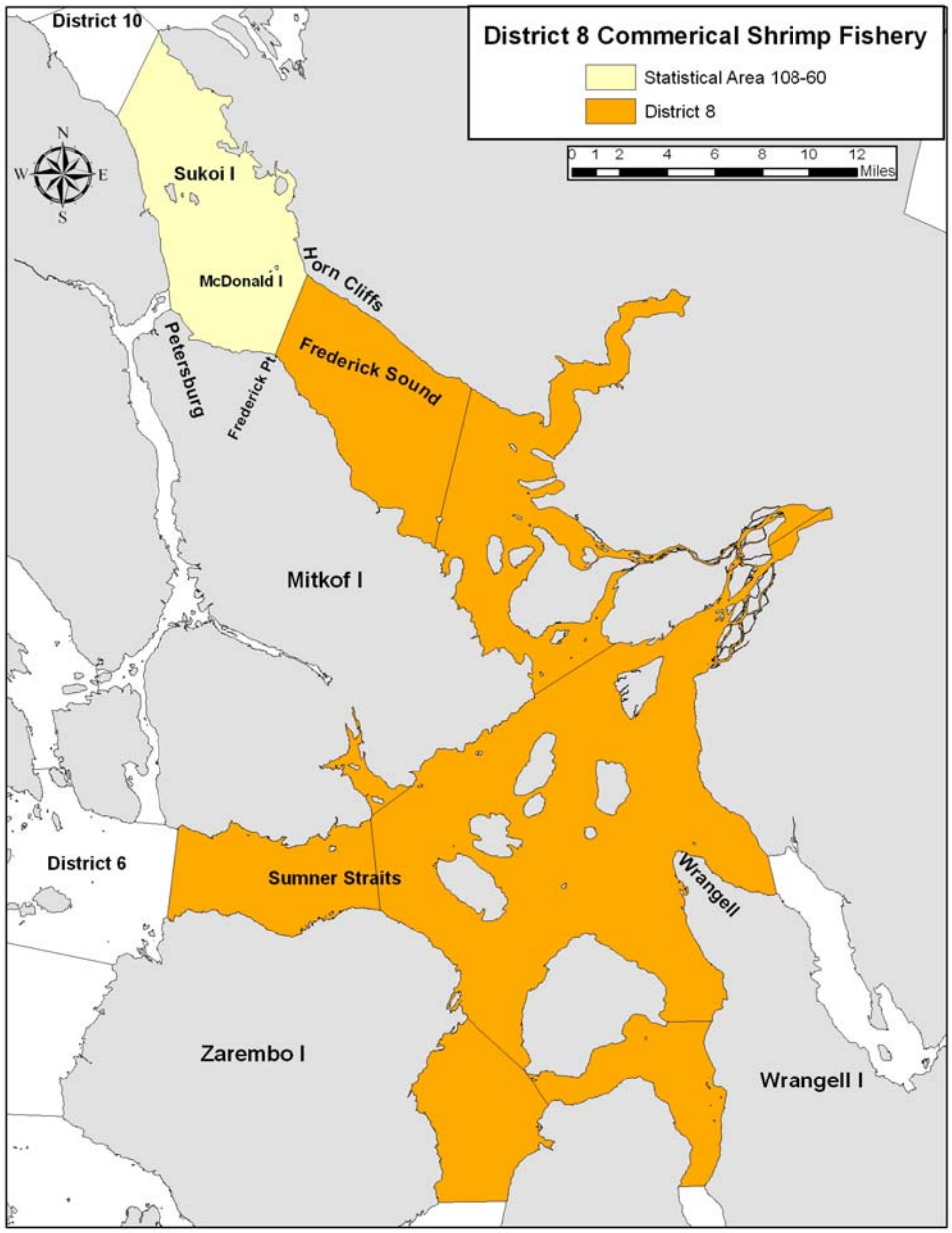

Figure 144-1–District 8 commercial shrimp fishing area.

PROPOSAL 145: **5AAC 32.XXX AND 34.XXX AND 35.XXX.**

PROPOSED BY: Southeast Alaska Fishermen's Alliance.

WHAT WOULD THE PROPOSAL DO? This proposal has two parts. The first part would require measuring devices used by enforcement and ADF&G samplers to be made of material that is impervious to the weather and these measuring devices must be certified by weights and measures twice a year.

The second part would allow crab with broken spines along the edge of the carapace to be considered legal, if the crab appeared to be legal despite the broken spines.

WHAT ARE THE CURRENT REGULATIONS? There are no regulations that specify the type of crab measuring devices used by enforcement or ADF&G samplers.

5 AAC 32.055. Size limits for Dungeness crab.

(a) Unless otherwise provided in this chapter, only male Dungeness crab six and one-half inches or greater in shoulder width may be taken or possessed.

(b) Shoulder width measurement of Dungeness crab shall be the straight-line distance across the carapace immediately anterior to the tenth anterolateral spine and shall not include the spines.

5 AAC 34.060. Size limit for king crab

(b) Width measurement of king crab shall be the straight-line distance across the carapace at a right angle to a line midway between the eyes to the midpoint of the posterior portion of the carapace and shall include the spines.

5 AAC 35.060. Size limit for Tanner crab

(b) Width measurement of Tanner crab shall be the greatest straight-line distance across the carapace at a right angle to a line midway between the eyes to the midpoint of the posterior portion of the carapace and shall include the spines.

WHAT WOULD BE THE EFFECTS IF THE PROPOSAL IS ADOPTED? Crab measuring devices used by enforcement and ADF&G samplers could only be made of materials that are impervious to the weather. Officially allowing broken spines could encourage breaking the spines off crab that are sublegal to make them legal.

BACKGROUND: Measuring sticks may become inaccurate due to wear and tear. This problem is remedied by verifying the accuracy of the stick with calipers or other accurate measuring device prior to use. ADF&G samplers in the field carry both calipers (for biological measurements) and measuring sticks (for legal measurements). All measuring sticks used in commercial catch sampling (and aboard commercial vessels) are checked prior to use for accuracy.

There have been several studies in the Bering Sea region to quantify the extent of handling injuries on all components of the red king crab stock in Bristol Bay. A study in 1986 that examined 6,732 crabs found an overall injury rate of 3.2% with the most common injuries being leg damage or autotomies (dropped limbs) at 67.8%, compared to injury rates of approximately 10% each for chelae, rostrum, and carapace. During the 1992 Bristol Bay red king crab fishery, 981 male red king crab were examined for handling injuries and among the injured crabs, carapace spine and rostrum damage were much more common (72%) than leg injuries (28%). Finally, results from an at-sea observer study in 1997 and 1998 that quantified handling-induced injury rates of 6,874 female and sublegal male red king crabs found an overall injury rate of 12.4%. The most common injuries identified in this study were leg damage and broken rostrums.

DEPARTMENT COMMENTS: The department is **NEUTRAL** in regards to specifying the type of material used for crab measuring devices. The best method for verifying the accuracy of any measuring stick is to check it with calipers prior to each use.

The department **OPPOSES** any regulation that would allow crab with broken spines to be considered legal. It is noted that carapace spine damage does occur, although the extent to which it occurs along the lateral margins where legal measurements occur are thought to be low and do not constitute a problem that requires regulatory action.

COST ANALYSIS: This proposal is not expected to result in additional direct cost for the private person to participate.

PROPOSAL 146: **5AAC 34.XXX AND 35.XXX.**

PROPOSED BY: Southeast Alaska Fishermen's Alliance.

WHAT WOULD THE PROPOSAL DO? This proposal would allow deliveries of up to two percent illegal king and Tanner crab without penalty as long as the illegal crab were alive and able to be returned to the water unharmed. The proposal is unclear if there should be a tolerance for illegal sex and species as well as size.

WHAT ARE THE CURRENT REGULATIONS?

5 AAC 34.060. Size limit for king crab.

(a) Male king crab seven inches (178 mm) or greater in width of shell may be taken or possessed, unless otherwise provided in 5 AAC 34.

5 AAC 34.065. Female and undersize king crab.

Male king crab less than minimum size and female king crab may not be taken or possessed. Such king crab which have been taken must be immediately returned unharmed to the sea.

5 AAC 35.060. Size limit for Tanner crab.

(a) Male Tanner crab of the species *Chionoecetes bairdi* five and one-half inches (140 mm) or greater in width of shell may be taken or possessed, unless otherwise provided in 5 AAC 35.

5 AAC 35.065. Female and undersize Tanner crab.

Male Tanner crab less than minimum size and female Tanner crab may not be taken or possessed. Such Tanner crab which have been taken must be immediately returned unharmed to the sea.

WHAT WOULD BE THE EFFECTS IF THE PROPOSAL IS ADOPTED? Harvesters may be more careless when sorting crab. This proposal could encourage the retention of illegal crab if up to two percent may be landed without penalty. Processors may also be fined if illegal crab are offloaded and in the processing facility.

BACKGROUND: Depending on the fishery and fishing area, crab pots brought onboard a vessel may contain high numbers of non-targeted crab (female, sublegal male, and other species). Occasionally, smaller crab may be hanging on to larger legal males ("cling-on" crab) and inadvertently retained with the legal crab in the fish hold. Weather, time of day, season, and crew experience may also influence the accuracy of crab sorting.

Average number of crab per landing in Southeast Alaska varies between 554 crabs in the golden king crab fishery to over 2,000 crabs in the Tanner fishery (Table 146-1).

DEPARTMENT COMMENTS: The department **OPPOSES** this proposal. It is rare to find high numbers of small "cling-on" crab in a crab offload. In a small delivery of 100 crabs, more than two illegal crab would exceed the proposed overage allowance. In larger deliveries of over 2,000 crabs, which are common in the Tanner fishery, up to 40 illegal crab could be retained under the proposed allowance.

COST ANALYSIS: This proposal is not expected to result in additional direct cost for the private person to participate.

Table 146-1–Number of landings and crab delivered for Southeast Alaska king and Tanner crab fisheries, 1998/99–2007/08 seasons.

Tanner			
Year/Season	**Landings**	**Crabs**	**Crabs/Landing**
1998/99	389	810,564	2,084
1999/00	362	630,090	1,741
2000/01	288	494,028	1,715
2001/02	213	368,884	1,732
2002/03	193	314,825	1,631
2003/04	169	336,439	1,991
2004/05	123	323,370	2,629
2005/06	119	352,928	2,966
2006/07	136	366,851	2,697
2007/08	106	239,050	2,255
10-yr Average	210	423,703	2,144

Golden King			
Year/Season	**Landings**	**Crabs**	**Crabs/Landing**
1998/99	105	56,195	535
1999/00	143	83,825	586
2000/01	189	76,370	404
2001/02	211	86,341	409
2002/03	189	77,269	409
2003/04	145	80,590	556
2004/05	130	81,761	629
2005/06	151	79,214	525
2006/07	141	86,514	614
2007/08	108	94,033	871
10-yr Average	151	80,211	554

Red King			
Year/Season	**Landings**	**Crabs**	**Crabs/Landing**
1998/99	0	0	0
1999/00	215	38,234	178
2000/01	0	0	0
2001/02	177	39,547	223
2002/03	154	30,070	195
2003/04	93	25,411	273
2004/05	0	0	0
2005/06	113	26,375	233
2006/07	0	0	0
2007/08	0	0	0
10-yr Average	150	31,927	220

PROPOSAL 147: 5AAC 47.020. (11)(A) GENERAL PROVISIONS FOR SEASONS, BAG POSSESSION, ANNUAL, AND SIZE LIMITS AND METHODS AND MEANS FOR THE SALT WATERS OF SOUTHEAST ALASKA AREA.

PROPOSED BY: Department of Public Safety, Alaska Wildlife Troopers.

WHAT WOULD THE PROPOSAL DO? This proposal seeks to make regulations on Dungeness crab measurements consistent across sport, commercial, personal use, and subsistence fisheries by changing the current use of the term carapace width to shoulder width. Shoulder width is already in place as a standard and is currently shown, but not identified, in the widely distributed annual sport regulation summary.

WHAT ARE THE CURRENT REGULATIONS?

5 AAC 02.115. (2) only male Dungeness crab six and one-half inches or greater in shoulder width may be taken or possessed;

5 AAC 32.055. (a) Male Dungeness crab six and one-half inches (165 mm) or greater in shoulder width may be taken or possessed, unless otherwise provided in 5 AAC 32.

(b) Shoulder width measurement of Dungeness crab shall be the straight-line distance across the carapace immediately anterior to the tenth anterolateral spine and shall not include the spines.

5 AAC 47.020. (11)(A) Dungeness crab: must be six and one-half inches or greater in carapace width;

5 AAC 77.662. (3) the minimum legal size for male Dungeness crab is six and one-half inches in shoulder width;

WHAT WOULD BE THE EFFECTS IF THE PROPOSAL IS ADOPTED? All regulations defining the measurement of a legal male Dungeness crab would be consistent.

BACKGROUND: The term carapace width is commonly used in the definitions of legal size for both king and Tanner crab. Legal measurements for king and Tanner crab also include the spines. The legal measurement of Dungeness crab does not include the anterolateral spines which are part of the carapace and therefore, the shoulder width more accurately describes the legal measurement.

Although the Southeast Alaska Sport Regulation Summary has a diagram of how to measure Dungeness crab that is consistent with shoulder measurement, the existing sport regulation wording is not.

DEPARTMENT COMMENTS: The department **SUPPORTS** this proposal. It will aid enforcement and will ensure consistency between regulations in Dungeness crab fisheries. The department views this proposal as housekeeping in nature.

COST ANALYSIS: This proposal is not expected to result in additional direct cost for the private person to participate.

PROPOSAL 148: **5AAC 32.110. FISHING SEASONS FOR REGISTRATION AREA A.**

PROPOSED BY: Dick Gregg.

WHAT WOULD THE PROPOSAL DO? This proposal would change the Dungeness crab season to July 1 through November 1 in all waters of Southeast Alaska.

WHAT ARE THE CURRENT REGULATIONS?

5 AAC 32.110. Fishing seasons for Registration Area A.

In Registration Area A, male Dungeness crab may be taken or possessed only as follows:

(1) in Districts 1 and 2, and in Section 13-B, except the waters of the Sitka Sound Special Use Area described in 5 AAC 32.150(10) , from 12:00 noon October 1 through 11:59 p.m. February 28;

(2) in the waters of Section 13-B that are in the Sitka Sound Special Use Area described in 5 AAC 32.150(10) , from 12:00 noon October 1 through 11:59 p.m. November 30;

(3) in all other waters of Registration Area A, from 12:00 noon June 15 through 11:59 p.m. August 15 and from 12:00 noon October 1 through 11:59 p.m. November 30.

WHAT WOULD BE THE EFFECTS IF THE PROPOSAL IS ADOPTED? The summer closure in Districts 1 and 2 and Section 13-B would be repealed. In all other areas, the season would open two weeks later, remain open through the current six-week closure of August 15 – September 30, and close four weeks earlier on November 1. The winter fishery, from December 1 to February 28, in Districts 1 and 2 and Section 13-B outside of the Special Use Area would be repealed (Table 148-1).

BACKGROUND: Until the late 1950s, a summer soft shell closure for the Southeast Alaska Dungeness crab fishery was in effect from May 1 through September 1. It was subsequently revoked. Beginning in 1985, the commercial fishery was closed between August 16 and September 30 because field studies indicated that this is the major period when females molted and were mated. In the briefing document for the Board of Fisheries meeting at which that regulatory change was adopted, reasons for the proposed change include soft shell and associated handling mortality, as well as allocation problems between personal use and commercial users in Section 13-B. Conclusions of research done later in Southeast Alaska support these field studies, indicating that peak timing of the female molt and mating is late summer through early fall. In response to increasingly high effort levels and high harvest rates, the season was further shortened in 1989 by reducing the winter season in northern and central districts to October 1 through November 30. The season remained October 1 through February 28 in southern Districts 1, 2, and Section 13-B. The split seasons have been in effect since this time.

DEPARTMENT COMMENTS: The department **OPPOSES** this proposal. Although this proposal would open the fishery later and avoid some of the male molt period, it would be to the detriment of the molting and mating period for females. The current summer season of June 15 through August 15 in much of Southeast Alaska overlaps the primary male molt period from March through July. As a result, handling of soft-shelled crabs is high during the first half of the summer season. The percentage of legal males that are soft-shelled can be very high in some periods and areas. Since handling mortality of soft-shelled crabs has been estimated as high as 50 percent, yield is reduced by handling-induced deadloss. For this reason, the department has long advocated a fall/winter season be adopted for the entire Southeast Alaska Dungeness crab fishery, because as avoiding the soft-shell period would increase yielded poundage. Table 148-1 shows the season described in this proposal in contrast to current season descriptions and the male molt and female molt/mating periods. Table 148-2 shows the harvest, percentage of harvest, and permits by month for the past five full seasons. Table 148-3 shows the five year average harvest, percentage of harvest, and permits by month for each of the three season descriptions in regulation.

COST ANALYSIS: This proposal is not expected to result in additional direct cost for the private person to participate.

Table 148-1–Commercial fishing seasons for Southeast Alaska Dungeness crab with proposed changes and major molting/mating periods.

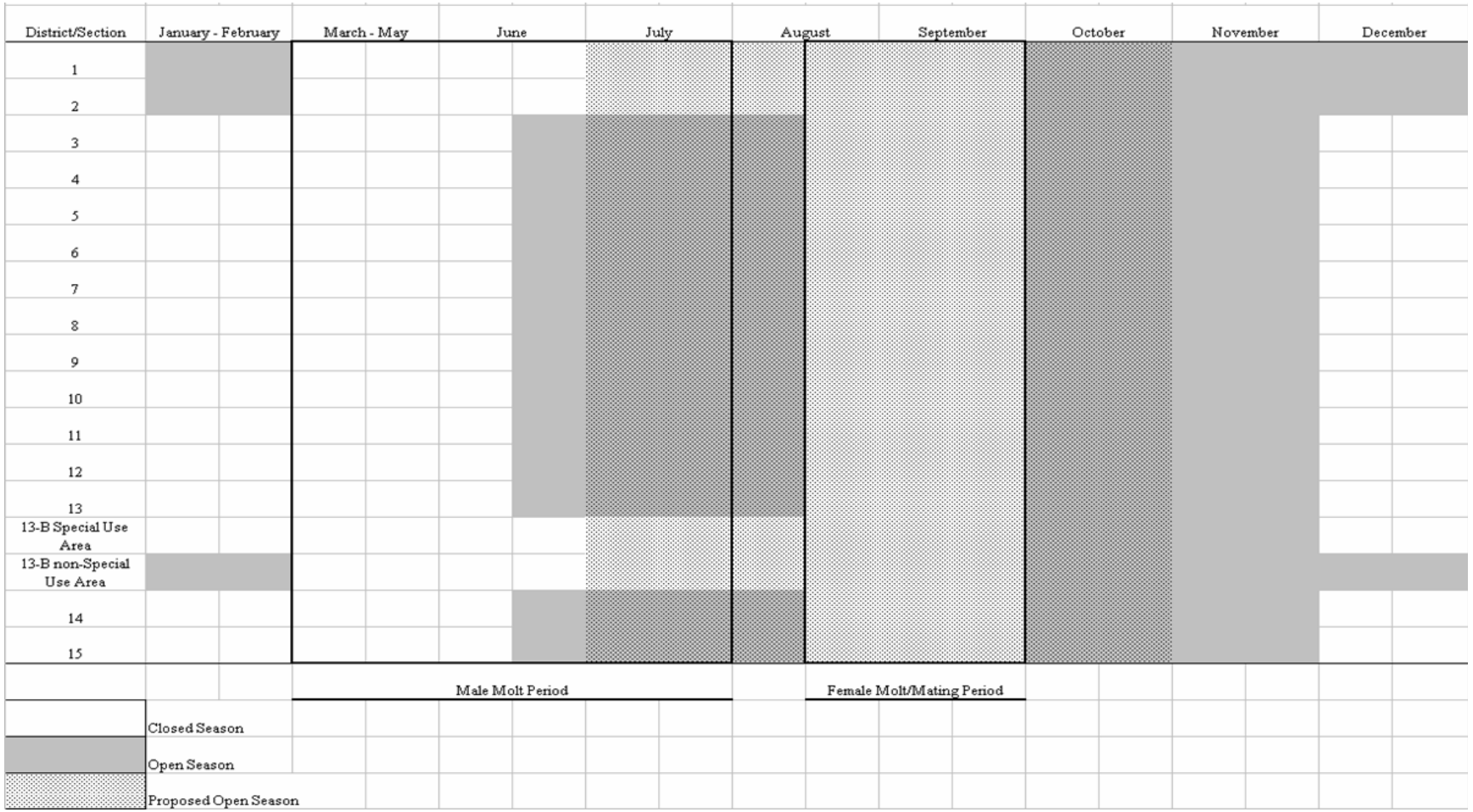

Table 148-2–Harvest by month, percent of total harvest, and permits from the commercial Dungeness crab fishery, 2003/04 through 2007/08 seasons.

	2003/04			2004/05			2005/06		
Month	Harvest	Percent of Total	Permits	Harvest	Percent of Total	Permits	Harvest	Percent of Total	Permits
June	1,628,596	35.9%	197	1,829,607	39.9%	179	1,785,128	42.4%	174
July	1,339,496	29.5%	184	1,454,980	31.7%	170	1,084,237	25.8%	153
August	378,684	8.3%	136	405,947	8.8%	120	335,825	8.0%	100
October	836,212	18.4%	103	607,852	13.2%	100	720,388	17.1%	84
November	290,595	6.4%	90	236,475	5.2%	83	238,024	5.7%	62
December	34,967	0.8%	19	36,010	0.8%	19	26,301	0.6%	10
January	15,949	0.4%	8	6,778	0.1%	6	13,107	0.3%	5
February	12,550	0.3%	5	11,352	0.2%	4	2,470	0.1%	4
Total	4,537,049		209	4,589,001		199	4,205,480		189

	2006/07			2007/08		
Month	Harvest	Percent of Total	Permits	Harvest	Percent of Total	Permits
June	1,741,957	38.7%	156	1,204,153	22.3%	166
July	1,254,440	27.9%	127	1,504,129	27.8%	144
August	500,554	11.1%	103	888,766	16.4%	121
October	783,691	17.4%	78	1,357,627	25.1%	137
November	204,913	4.5%	56	415,923	7.7%	104
December	14,046	0.3%	10	30,735	0.6%	10
January	2,704	0.1%	3	5,695	0.1%	5
February	1,665	0.0%	3	1,327	0.0%	4
Total	4,503,970		171	5,408,355		193

Table 148-3–Average harvest by month for each season described in regulation, total harvest, percent of total harvest, and number of permits fished for the commercial Dungeness crab fishery in Southeast Alaska for 2003/04–2007/08 seasons.

Month	Harvest in areas with a June 15–Aug 15 and Oct 1–Nov 30 season (majority of Southeast Alaska)	Harvest in areas with a Oct 1–Nov 30 season (a portion of Section 13–B)	Harvest in areas with a Oct 1–Feb 28 season (Districts 1, 2 and a portion of Section 13-B)	Total harvest	Percent of total harvest	Total permits
June	1,637,888	0	0	1,637,888	35.2%	174
July	1,327,456	0	0	1,327,456	28.5%	156
August	501,955	0	0	501,955	10.8%	116
October	738,553	*	122,581	862,354	18.5%	100
November	239,374	*	44,483	277,186	6.0%	79
December	0	0	21,697	28,412	0.6%	14
January	0	0	8,847	8,847	0.2%	5
February	0	0	5,873	5,873	0.1%	4
Total	4,445,226	*	203,481	4,649,971	100.0%	192

* Denotes confidential data; fewer than three permits fished.

PROPOSALS 149 AND 150: 5AAC 32.110. FISHING SEASON FOR REGISTRATION AREA A.

PROPOSED BY: Ryan M. Littleton.

WHAT WOULD THE PROPOSAL DO? These proposals would change the dates of the Dungeness crab season in Districts 1 and 2 to match the other waters of Registration Area A.

WHAT ARE THE CURRENT REGULATIONS?

5 AAC 32.110. Fishing seasons for Registration Area A.

In Registration Area A, male Dungeness crab may be taken or possessed only as follows:

(1) in Districts 1 and 2, and in Section 13-B, except the waters of the Sitka Sound Special Use Area described in 5 AAC 32.150(10) , from 12:00 noon October 1 through 11:59 p.m. February 28;

(2) in the waters of Section 13-B that are in the Sitka Sound Special Use Area described in 5 AAC 32.150(10) , from 12:00 noon October 1 through 11:59 p.m. November 30;

(3) in all other waters of Registration Area A, from 12:00 noon June 15 through 11:59 p.m. August 15 and from 12:00 noon October 1 through 11:59 p.m. November 30.

WHAT WOULD BE THE EFFECTS IF THE PROPOSAL IS ADOPTED? A summer Dungeness crab season from June 15 through August 15 would be opened for Districts 1 and 2 and the fall season from October 1 through November 30th would be retained, but the winter season from December 1 through February 28 would be eliminated.

BACKGROUND: Until the late 1950s, a summer soft shell closure for the Southeast Dungeness fishery was in effect from May 1 through September 1. It was subsequently revoked. Beginning in 1985, the commercial fishery was closed between August 16 and September 30 because field studies indicated that this is the major period when females molted and were mated. In the briefing document for that meeting, reasons for the proposed change include soft shell and associated handling mortality, as well as allocation problems between personal use and commercial users in Section 13-B. Conclusions of research done later in Southeast Alaska support these field studies indicating that peak timing of the female molt and mating is late summer through early fall. In response to increasingly high effort levels and high harvest rates, the season was further shortened in 1989 by reducing the winter season in northern and central districts to October 1 through November 30. The season remained October 1 through February 28 in southern Districts 1, 2, and Section 13-B. The split seasons have been in effect since this time.

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

The current summer season of June 15 through August 15 in much of Southeast Alaska overlaps the primary male molt period from March through July. As a result, handling of soft-shelled crabs is high during the first half of the summer season. The percentage of legal males that are soft-shelled can be very high in some periods and areas. In Dungeness crab surveys of Duncan Canal during early June, 59% of legal males were in shell condition 1 (soft) or 2 (light) in both 2001 and 2002 surveys. Crabs reach a marketable shell condition 3 (new) about 2 months after molting. Since handling mortality of soft-shelled crabs has been estimated as high as 50 percent, yield is reduced by handling-induced deadloss. For this reason, the department has long advocated a fall/winter season be adopted for the entire Southeast Alaska Dungeness crab fishery, as avoiding the soft-shell period would increase yielded poundage.

In recent years the commercial Dungeness crab fleet has become increasingly concentrated on the fishing grounds. This is due to the expansion of sea otter populations into commercial fishing grounds; allocative decisions that have excluded commercial Dungeness crab interests in favor of personal use, subsistence, and sport interests; log storage sites and other types of coastal development; and higher overall participation. The department recognizes the fleet's assertion that gear congestion on the fishing grounds is an ever increasing issue due to the aforementioned factors. Changing the season dates in Districts 1 and 2 to match those of the rest of Southeast Alaska would provide for increased distribution of the fleet during the summer fishery, but would eliminate the winter fishery in those areas open in December, January, and February. Currently less than one percent of the overall harvest occurs during the months of December through February (Table 149-1).

COST ANALYSIS: This proposal is not expected to result in additional direct cost for the private person to participate.

Table 149-1–Average harvest by month for each season described in regulation, total harvest, percent of total harvest, and number of permits fished for the commercial Dungeness crab fishery in Southeast Alaska for 2003/04–2007/08 seasons.

Month	Harvest in areas with a June 15–Aug 15 and Oct 1–Nov 30 season (majority of Southeast Alaska)	Harvest in areas with a Oct 1–Nov 30 season (a portion of Section 13-B)	Harvest in areas with a Oct 1–Feb 28 season (Districts 1, 2 and a portion of Section 13-B)	Total harvest	Percent of total harvest	Total permits
June	1,637,888	0	0	1,637,888	35.2%	174
July	1,327,456	0	0	1,327,456	28.5%	156
August	501,955	0	0	501,955	10.8%	116
October	738,553	*	122,581	862,354	18.5%	100
November	239,374	*	44,483	277,186	6.0%	79
December	0	0	21,697	28,412	0.6%	14
January	0	0	8,847	8,847	0.2%	5
February	0	0	5,873	5,873	0.1%	4
Total	4,445,226	*	203,481	4,649,971	100.0%	192

* Denotes confidential data; fewer than three permits fished.

PROPOSAL 151: 5AAC 32.146 SOUTHEASTERN ALASKA (REGISTRATION AREA A) DUNGENESS CRAB MANAGEMENT PLAN.

PROPOSED BY: Alaska Department of Fish and Game.

WHAT WOULD THE PROPOSAL DO? The proposal would allow for a fall Dungeness crab fishery when the harvest projections fail to meet the thresholds due to soft-shelled crabs early in the summer season.

WHAT ARE THE CURRENT REGULATIONS?

5 AAC 32.146. Southeastern Alaska Area Dungeness Crab Fisheries Management Plan.

In the absence of adequate stock assessment, the department shall manage the Dungeness crab fishery in Registration Area A (Southeastern Alaska) using a precautionary approach. When stocks are assessed to be low, the department shall, subject to the commissioner's authority under 5 AAC 32.035, reduce the harvest of legal Dungeness crab and reduce the handling of non-legal, light, and soft-shell Dungeness crab by complying with the following:

(1) no later than 14 days after the start of the summer Dungeness crab fishing season specified in 5 AAC 32.110, the department shall establish a projection of harvest thresholds for the season;

(2) if the department projects that the entire season's catch of legal Dungeness crab will be

(A) 1.5 million pounds or less, the department will close the summer Dungeness crab fishing season no sooner than 21 days after the season opened, and the fall Dungeness crab fishing season specified in 5 AAC 32.110 will not open;

(B) more than 1.5 million pounds, but less than 2.25 million pounds, the department will close the summer Dungeness crab fishing season no sooner than 28 days after the season opened, and the fall Dungeness crab fishing season will be open for 30 days;

(C) more than 2.25 million pounds, the summer and fall Dungeness crab fishing seasons will occur as specified in 5 AAC 32.110.

WHAT WOULD BE THE EFFECTS IF THE PROPOSAL IS ADOPTED? The fall fishery would not be shortened or closed when catch is predicted to be arbitrarily low due to a high incidence of non-retained soft-shelled crab early in the season.

BACKGROUND: In 2007, there was a high incidence of soft-shelled crabs during the first few weeks of the summer fishery. Based on landings from the first week, total harvest for the season was predicted to be 3.5 million pounds, well over the 2.25 million pound threshold for a normal season. Total harvest for the 2007/08 season was 5.4 million pounds which exceeded the prediction by almost 2 million pounds (Figure 151-1). The discrepancy between predicted and observed harvest during the 2007/08 season is attributed to non-retained soft-shelled crab early

in the season that were captured and retained in after the harvest projection was made when the crab were no longer in a soft-shell condition.

DEPARTMENT COMMENTS: The department submitted and **SUPPORTS** this proposal. Although the management plan for Dungeness crab has worked well since its inception in 2001, the 2007/08 season has showned that the potential for under-predicting harvest due to soft-shelled crab early in the season is real. The management plan needs to make some allowances for the soft-shell component early in the season when harvest projections are calculated to avoid reduced seasons when a conservation problem does not exist.

COST ANALYSIS: This proposal is not expected to result in additional direct cost for the private person to participate.

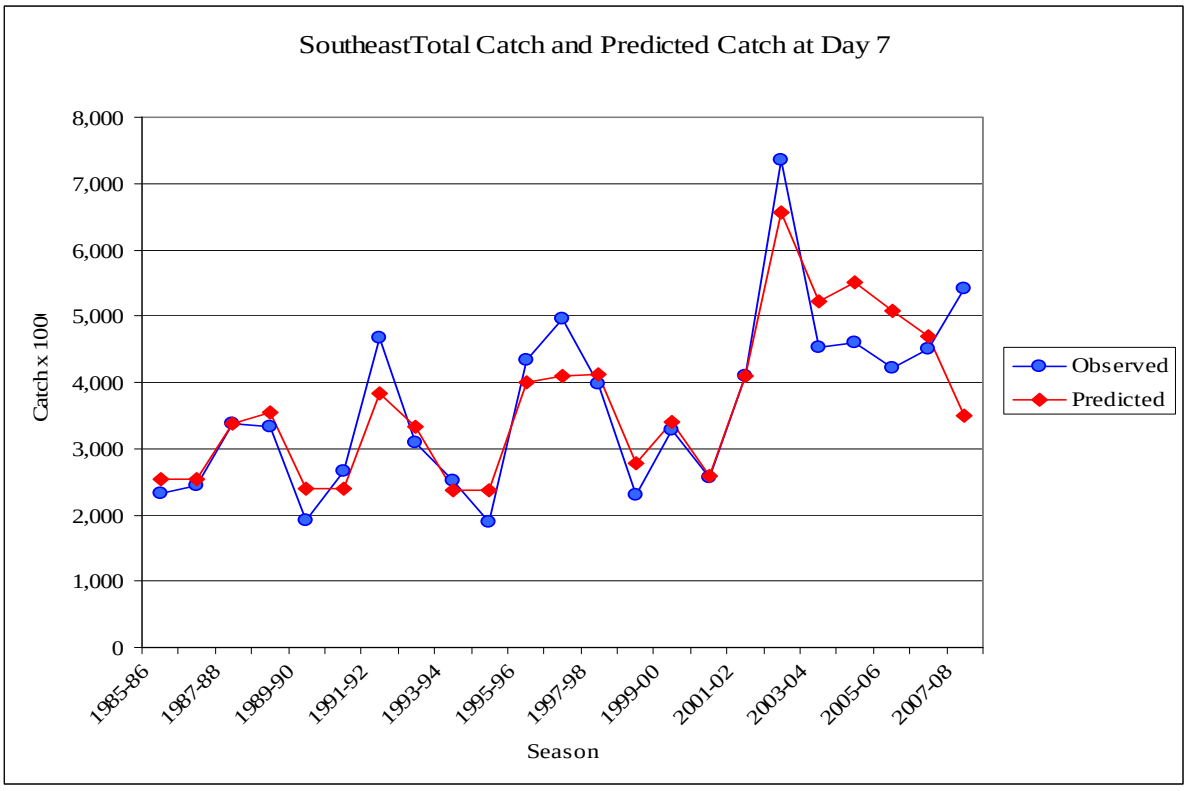

Figure 151-1–Predicted and Observed harvest from the commercial Dungeness crab fishery.

PROPOSAL 152: 5AAC 32.125. LAWFUL GEAR FOR REGISTRATION AREA A.

PROPOSED BY: Ryan M. Littleton and Ralph A. Strickland.

WHAT WOULD THE PROPOSAL DO? This proposal would make it illegal for a vessel that has more than one permit holder to operate the vessel for Dungeness crab fishing unless both permit holders are onboard.

WHAT ARE THE CURRENT REGULATIONS?

5 AAC 32.125. Lawful gear for Registration Area A.

(a) In Area A, no more than 300 Dungeness crab pots may be used by a vessel to take Dungeness crab.

(b) In Area A, when Dungeness crab or Dungeness crab gear are on board, or when deploying, setting, or retrieving Dungeness crab gear, a validly registered Dungeness crab fishing vessel may not have on the vessel, in the water in fishing condition, and in the water in nonfishing condition, more than a total of the lesser of

(1) 300 Dungeness crab pots, or

(2) the maximum number of Dungeness crab pots allowable under the interim use or limited entry permits of the CFEC permit holders that are listed on the vessel registration and are on board the vessel.

WHAT WOULD BE THE EFFECTS IF THE PROPOSAL IS ADOPTED? Adopting this proposal would clarify that both permit holders need to be onboard the vessel during fishing operations. As written, this proposal would require all permit holders registered to a vessel to be onboard the registered vessel at all times when they have gear in the water fishing or stored.

BACKGROUND: There are no regulations that prohibit multiple permit vessels from being out on the fishing grounds with only one permit holder. In addition, the current regulations allow any permit holder not to be on the vessel when the gear is in the water, in fishing condition or in the water in non-fishing condition.

DEPARTMENT COMMENTS: The department is **NEUTRAL** on this potentially allocative proposal. However, the department defers to the Department of Public Safety on the enforcement related issues in this proposal.

COST ANALYSIS: This proposal is not expected to result in additional direct cost for the private person to participate.

PROPOSAL 153: 5AAC 32.125. LAWLFUL GEAR FOR REGISTRATION AREA A.

PROPOSED BY: Dick Gregg.

WHAT WOULD THE PROPOSAL DO? This proposal would make permit stacking illegal in the commercial Dungeness crab fishery. Each vessel registered to fish for Dungeness crab could have only one permit holder and the vessel may only fish the limit of gear specified for the permit being fished.

WHAT ARE THE CURRENT REGULATIONS?

5 AAC 32.125. Lawful gear for Registration Area A.

(a) In Area A, no more than 300 Dungeness crab pots may be used by a vessel to take Dungeness crab.

(b) In Area A, when Dungeness crab or Dungeness crab gear are on board, or when deploying, setting, or retrieving Dungeness crab gear, a validly registered Dungeness crab fishing vessel may not have on the vessel, in the water in fishing condition, and in the water in nonfishing condition, more than a total of the lesser of

(1) 300 Dungeness crab pots, or

(2) the maximum number of Dungeness crab pots allowable under the interim use or limited entry permits of the CFEC permit holders that are listed on the vessel registration and are on board the vessel.

WHAT WOULD BE THE EFFECTS IF THE PROPOSAL IS ADOPTED? Stacking multiple permits on the same vessel allows permit holders to take advantage of more efficient harvest operations by reducing operating costs. If this proposal is adopted permit holders currently fishing on the same vessel would need to find alternative vessels to use for their fishing operations.

BACKGROUND: Joint fishing operations have been a common practice in the Dungeness crab fishery since the late 1970s. During the late 1980s there was an average of 18 vessels with two or more operators. The practice of having more than one operator (or permit holder) was carried through with the implementation of the License Limitation Program and at the current time, an average of 19 vessels continue to operate with more than one permit holder (Table 153-1).

DEPARTMENT COMMENTS: The department is **NEUTRAL** on this potentially allocative proposal. However, the department defers to the Department of Public Safety on the enforcement related issues in this proposal.

COST ANALYSIS: Permit holders currently operating under existing permit stacking regulations would need to buy or lease another vessel for their fishing operations or not participate in the fishery.

Table 153-1–Number of permits fished and vessels with more than one permit holder for 2004/05 through 2008/09 seasons.

Season	Number of Permits	Approx. Number of Vessels with 2 or more Operators
2004/05	199	21
2005/06	189	17
2006/07	171	19
2007/08	193	18
2008/09	204	22
5 yr Average	191	19

PROPOSAL 154: 5AAC 47.035. METHODS, MEANS, AND GENERAL PROVISIONS- SHELLFISH.

PROPOSED BY: Southeast Alaska Fisherman's Alliance.

WHAT WOULD THE PROPOSAL DO? This proposal would prohibit sport fishing for Dungeness crab in areas listed in regulation as closed waters for commercial Dungeness crab fishing.

WHAT ARE THE CURRENT REGULATIONS? Fifteen areas are closed year-round by regulation to commercial Dungeness crab fishing (5 AAC 32.150). In addition, the Sitka Sound Special Use Area is closed from December 1 – September 30. These areas were closed by the board to improve harvest opportunity in sport and personal use fisheries.

The sport fishery for Dungeness crab is open year round throughout Southeast Alaska. The bag and possession limit is 5 Dungeness and Tanner crabs in combination, males only. The minimum size limit for Dungeness crab is 6 1/2 inches in carapace width. Sport fishing gear for Dungeness crab consists of pots, ring nets, diving gear, dip nets, and hooked or hookless hand lines.

Personal use regulations provide all Alaska residents opportunity to harvest Dungeness crab throughout the year. The personal use fishery allows a bag limit of 20 male Dungeness crab with a minimum size limit of 6 ½ inches.

Subsistence regulations allow qualified Alaska residents to harvest Dungeness crab in areas with Customary and Traditional Use findings for Dungeness crab.

WHAT WOULD BE THE EFFECTS IF THE PROPOSAL IS ADOPTED? If adopted, this proposal would close the sport fishery for non-residents in the sixteen areas of Southeast Alaska that are closed to commercial Dungeness crab fishing. Alaska residents could continue to harvest Dungeness crab in these areas under personal use regulations.

The proportion of the recreational harvest (sport and personal use) taken by non-residents in the areas closed to commercial fishing is not known. However, because these areas are located near major communities, the proportion of the harvest taken by non-residents may be similar to the regional average of roughly 39%.

BACKGROUND: The areas addressed by this proposal were closed by the board to provide additional harvest opportunity in sport, personal use, and subsistence fisheries. From 2003 to 2007, the sport and personal use harvest of Dungeness crab in Southeast Alaska averaged roughly 78,000 crab. The non-resident harvest component was roughly 39% of the sport and personal use harvest, but only about 1% of the harvest taken in all Southeast Alaska fisheries that harvest Dungeness crab.

Trends in the commercial harvest of Dungeness crab currently provide the best long-term indicator of abundance and sustainability of harvest levels. Over the past ten years, commercial Dungeness crab harvests have been above average, with the 2002/2003 harvest being the largest in the history of the fishery, likely a function of both increased effort and high abundance.

DEPARTMENT COMMENTS: The department is **NEUTRAL** on this allocative proposal. There are no identified conservation problems with Dungeness crab stocks in Southeast Alaska at this time. The department does not support implementing regulations that mirror the time and area of the commercial Dungeness crab fishery as a means to restrict the sport fishery due to the complexity of resulting regulations and in season emergency orders.

COST STATEMENT: Adoption of this proposal is not expected to add any direct cost for a private person to participate in this fishery. Therefore this proposal is allocative in nature and the staff is neutral.

PROPOSAL 155: 5AAC 32.150(11). CLOSED WATERS IN REGISTRATION AREA A.

PROPOSED BY: Southeast Alaska Fishermen's Alliance

WHAT WOULD THE PROPOSAL DO? This proposal would open the Twelve-mile Arm closed area to commercial Dungeness fishing during the fall season (Figures 155-1 and 155-2).

WHAT ARE THE CURRENT REGULATIONS?

5 AAC 32.110. Fishing seasons for Registration Area A.

In Registration Area A, male Dungeness crab may be taken or possessed only as follows:

(1) in Districts 1 and 2, and in Section 13-B, except the waters of the Sitka Sound Special Use Area described in 5 AAC 32.150(10), from 12:00 noon October 1 through 11:59 p.m. February 28;

(2) in the waters of Section 13-B that are in the Sitka Sound Special Use Area described in 5 AAC 32.150(10), from 12:00 noon October 1 through 11:59 p.m. November 30;

(3) in all other waters of Registration Area A, from 12:00 noon June 15 through 11:59 p.m. August 15 and from 12:00 noon October 1 through 11:59 p.m. November 30.

5 AAC 32.150. Closed waters in Registration Area A.

In Area A, the following waters are closed to the taking of Dungeness crab:

(11) waters of Twelve-mile Arm west of a line from Prince of Wales Island at 55º¸ 29.07' N. lat., 132º¸ 37.60' W. long., to the northeastern most tip of Loy Island at 55º¸ 29.07' N. lat., 132º¸ 36.70' W. long., to the easternmost tip of Cat Island at 55º¸ 27.80' N. lat., 132º¸ 39.08' W. long., to Prince of Wales Island at 55º¸ 27.80' N. lat., 132º¸ 40.93' W. long., including waters nearest Hollis Anchorage;

WHAT WOULD BE THE EFFECTS IF THE PROPOSAL IS ADOPTED? This proposal would open a portion of Statistical Area 102-60 that is currently closed to fishing during the fall season.

BACKGROUND: Waters of Hollis Anchorage were closed to commercial fishing in 2000 after six proposals were submitted to the Board on this issue. The Hollis Community Council also proposed a closure during the 1993–94 Board cycle that was not adopted. .The Hollis Anchorage portion of Twelve-mile Arm is part of Statistical Area 102-60 which includes all waters of Kasaan Bay, Twelve-mile Arm, and Skowl Arm. Specific commercial harvest information for Hollis Anchorage cannot be determined. The history of commercial harvest for all of Statistical Area 102-60 is given in Table 155-1; the long term average harvest is 35,429 pounds of Dungeness crab by 4 permit holders. The department conducted household surveys in Hollis and

Thorne Bay in 1998. In Hollis the estimated total personal use harvest of Dungeness crab was 1,900 pounds or 12 pounds per capita. In Thorne Bay the estimated total personal use harvest of Dungeness crab was 3,000 pounds or a little over 12 pounds per capita.

DEPARTMENT COMMENTS: The department is **NEUTRAL** on this allocative proposal.

COST ANALYSIS: This proposal is not expected to result in additional direct cost for the private person to participate.

Table 155-1–Commercial harvest of Dungeness crab in Statistical Area 102-60.

Season	Harvest, pounds	Permits	Landings
1982–83	*	1	2
1983–84	*	1	1
1984–85	5,417	3	12
1985–86	*	2	10
1986–87	0	0	0
1987–88	*	1	5
1988–89	*	1	7
1989–90	*	1	3
1990–91	*	1	2
1991–92	*	1	3
1992–93	0	0	0
1993–94	*	2	5
1994–95	*	1	4
1995–96	*	1	2
1996–97	27,477	3	15
1997–98	105,591	9	58
1998–99	77,446	14	42
1999–00	57,108	9	29
2000–01	63,157	5	19
2001–02	48,958	6	18
2002–03	105,933	8	33
2003–04	81,059	7	29
2004–05	81,670	8	20
2005–06	53,057	3	9
2006–07	65,244	3	10
2007–08	138,147	5	19
2008–09	22,065	3	3
Average	35,429	4	13

*Information pertaining to harvest by 2 or less permit holders is confidential.

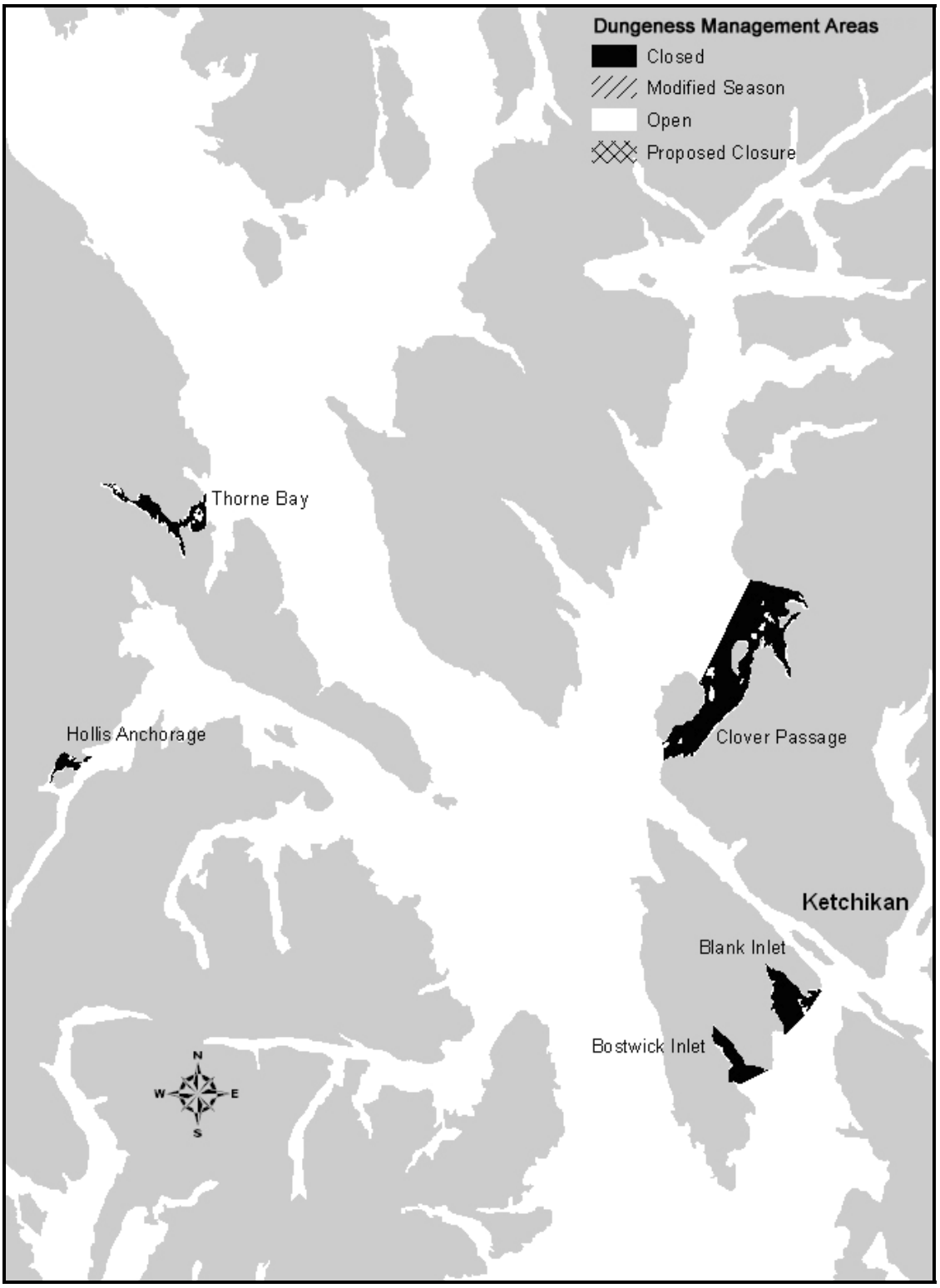

Figure 155-1–Areas in the vicinity of Thorne Bay, Hollis, and Ketchikan that are currently closed or proposed for closure for commercial fishing of Dungeness crab.

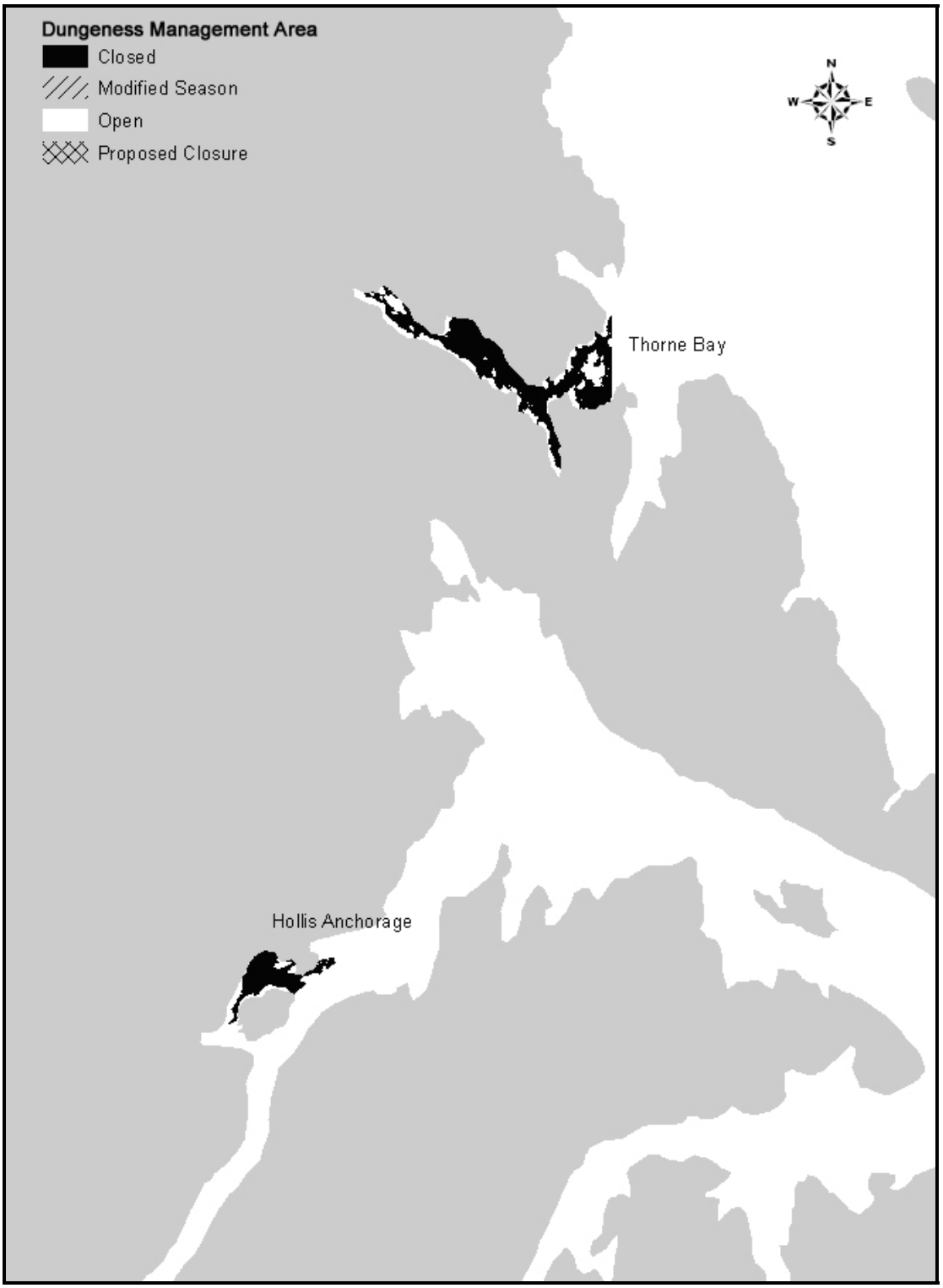

Figure 155-2–Area of Twelve-mile Arm proposed for re-opening of commercial fishing of Dungeness crab during the fall season.

PROPOSAL 156: 5AAC 32.150(16). CLOSED WATERS IN REGISTRATION AREA A.

PROPOSED BY: Pete Roddy; and by Southeast Alaska Fishermen's Alliance.

WHAT WOULD THE PROPOSAL DO? This proposal would open Chaik Bay to commercial Dungeness crab fishing (Figures 156-1 and 156-2).

WHAT ARE THE CURRENT REGULATIONS?

5 AAC 32.110. Fishing seasons for Registration Area A.

In Registration Area A, male Dungeness crab may be taken or possessed only as follows:

(1) in Districts 1 and 2, and in Section 13-B, except the waters of the Sitka Sound Special Use Area described in 5 AAC 32.150(10), from 12:00 noon October 1 through 11:59 p.m. February 28;

(2) in the waters of Section 13-B that are in the Sitka Sound Special Use Area described in 5 AAC 32.150(10), from 12:00 noon October 1 through 11:59 p.m. November 30;

(3) in all other waters of Registration Area A, from 12:00 noon June 15 through 11:59 p.m. August 15 and from 12:00 noon October 1 through 11:59 p.m. November 30.

5 AAC 32.150. Closed waters in Registration Area A.

In Area A, the following waters are closed to the taking of Dungeness crab:

(16) waters of Chaik Bay east of a line from the tip of the peninsula on the north at 57º 19.38' N. lat., 134º 28.91' W. long. to 57º 19.11' N. lat., 134º 28.90' W. long.

5 AAC 02.108 Customary and traditional subsistence uses of shellfish stocks.

There is a Customary and Traditional use finding for Dungeness crab for Chaik Bay and surrounding area.

WHAT WOULD BE THE EFFECTS IF THE PROPOSAL IS ADOPTED? Subsistence and sport harvesters would have to share the area with commercial harvesters.

BACKGROUND: Chaik Bay (Statistical Area 112-80) was closed to commercial fishing in 2006 to provide an area for Angoon residents to harvest Dungeness crab that was closed to commercial fishing. The history of commercial harvest in Chaik Bay is given in Table 156-1; the long term average harvest is 6,504 pounds by two permit holders. Although there is no information on the magnitude of non-commercial harvest, in Chaik Bay, the department did conduct household surveys in the community of Angoon in 1997. The estimated total subsistence harvest of Dungeness crab for the community of Angoon was a little over 1,200 pounds or 2 pounds per capita.

DEPARTMENT COMMENTS: The department is **NEUTRAL** on this allocative proposal.

COST ANALYSIS: This proposal is not expected to result in additional direct cost for the private person to participate.

Table 156-1–Commercial Harvest of Dungeness crab in Chaik Bay, Statistical Area 112-80.

Season	Harvest, pounds	Permits	Landings
1985–86	*	2	2
1986–87	7,963	3	6
1987–88	0	0	0
1988–89	0	0	0
1989–90	*	2	2
1990–91	*	2	2
1991–92	*	2	3
1992–93	0	0	0
1993–94	0	0	0
1994–95	0	0	0
1995–96	*	2	12
1996–97	*	1	1
1997–98	4,231	4	10
1998–99	3,795	3	11
1999–00	9,736	4	14
2000–01	*	2	4
2001–02	14,497	7	21
2002–03	20,463	3	29
2003–04	10,313	3	15
2004–05	21,738	6	27
2005–06	9,965	4	11
2006–07	*	2	7
2007–08	*	2	8
2008–09	*	1	4
Average	6,504	2	8

* Information pertaining to harvest by 2 or less permit holders is confidential.

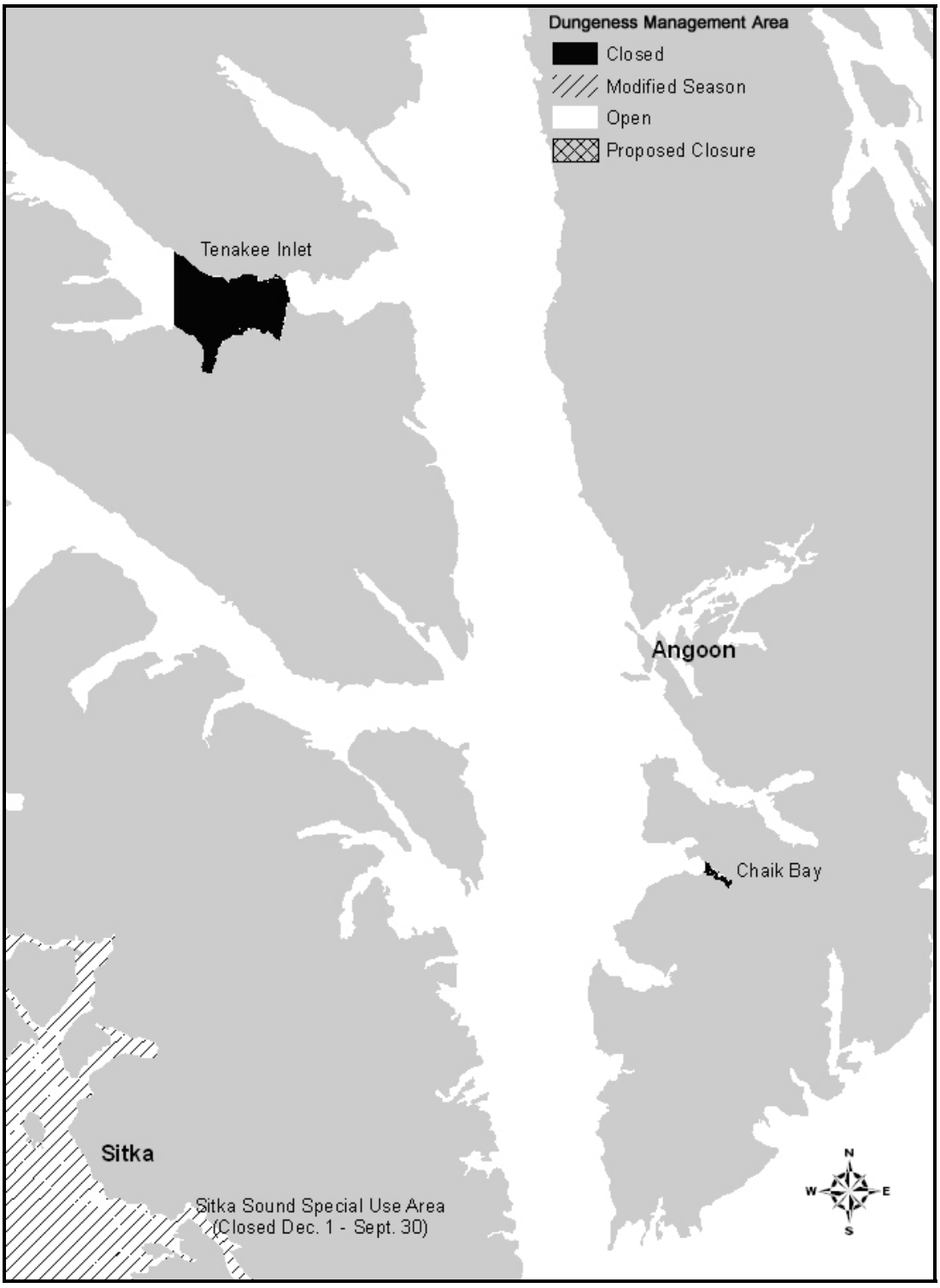

Figure 156-1–Areas in the vicinity of Tenakee, Angoon, and Sitka that are currently closed, proposed for closure, or with a shortened season for commercial fishing of Dungeness crab.

Figure 156-2–Area of Chaik Bay near Angoon proposed for re-opening to commercial fishing of Dungeness crab.

PROPOSAL 157: **5AAC 32.150. CLOSED WATERS IN REGISTRATION AREA A.**

PROPOSED BY: Bryce R. Bucker.

WHAT WOULD THE PROPOSAL DO? This proposal would establish a closed area to the commercial taking of Dungeness crab in the waters of Coffman Cove, Lake Bay, and Barns Lake area during the summer Dungeness crab fishery (Figures 157-1 and 157-2).

WHAT ARE THE CURRENT REGULATIONS?

5 AAC 32.110. Fishing seasons for Registration Area A.

In Registration Area A, male Dungeness crab may be taken or possessed only as follows:

(1) in Districts 1 and 2, and in Section 13-B, except the waters of the Sitka Sound Special Use Area described in 5 AAC 32.150(10), from 12:00 noon October 1 through 11:59 p.m. February 28;

(2) in the waters of Section 13-B that are in the Sitka Sound Special Use Area described in 5 AAC 32.150(10), from 12:00 noon October 1 through 11:59 p.m. November 30;

(3) in all other waters of Registration Area A, from 12:00 noon June 15 through 11:59 p.m. August 15 and from 12:00 noon October 1 through 11:59 p.m. November 30.

5 AAC 32.150. Closed waters in Registration Area A.

(15) waters of Whale Pass north and west of a line extending from 56º¸ 05.65' N. lat., 133º¸ 07.30' W. long. to 56º¸ 05.85' N. lat., 133º¸ 06.40' W. long.

WHAT WOULD BE THE EFFECTS IF THE PROPOSAL IS ADOPTED? Commercial fishers in the Coffman Cove area will be displaced during the summer fishery and their harvest share re-allocated to the personal use, sport, and subsistence fishers.

BACKGROUND: Current regulations specify 16 areas closed to commercial harvest of Dungeness crab in Southeast Alaska. Four of these areas are on Prince of Wales Island and the nearest to Coffman Cove is the Whale Pass closed area (Figure 157-2). The Coffman Cove area is part of statistical area 106-30 which encompasses a large area of water between Point Colpoy to the north and Luck Point to the south. Specific harvest information for the waters near Coffman Cove cannot be determined. The history of commercial harvest during the summer and fall fisheries in statistical area 106-30 is given in Table 157-1; the long term average harvest is 32,182 pounds by 6 permit holders. The department conducted household surveys in Coffman Cove and Naukati Bay in 1999. In Coffman Cove the estimated total personal use harvest of Dungeness crab was 3,700 pounds or 17 pounds per capita. In Naukati Bay the estimated total personal use harvest of Dungeness crab was 2,250 pounds or a little over 15 pounds per capita.

DEPARTMENT COMMENTS: The department is **NEUTRAL** on this allocative proposal.

COST ANALYSIS: This proposal is not expected to result in additional direct cost for the private person to participate.

Table 157-1–Commercial Harvest of Dungeness crab in Statistical Area 106-30.

Season	Harvest, pounds	Permits	Landings
1979–80	*	1	3
1980–81			
1981–82	69,214	4	26
1982–83	37,602	8	22
1983–84	5,698	5	7
1984–85	49,360	13	49
1985–86	19,253	8	29
1986–87	14,859	6	14
1987–88	7,610	6	20
1988–89	*	1	6
1989–90	*	2	8
1990–91	905	3	3
1991–92	73,618	6	18
1992–93	8,811	4	20
1993–94	13,724	3	18
1994–95	*	2	18
1995–96	21,913	6	20
1996–97	30,950	7	28
1997–98	7,843	6	30
1998–99	16,020	9	19
1999–00	22,446	6	16
2000–01	31,063	6	22
2001–02	53,020	13	50
2002–03	108,420	17	64
2003–04	40,619	12	27
2004–05	69,612	10	42
2005–06	59,405	8	39
2006–07	43,651	6	19
2007–08	65,243	3	24
2008–09	42,576	5	26
Average	32,182	6	24

*Information pertaining to harvest by 2 or less permit holders is confidential.

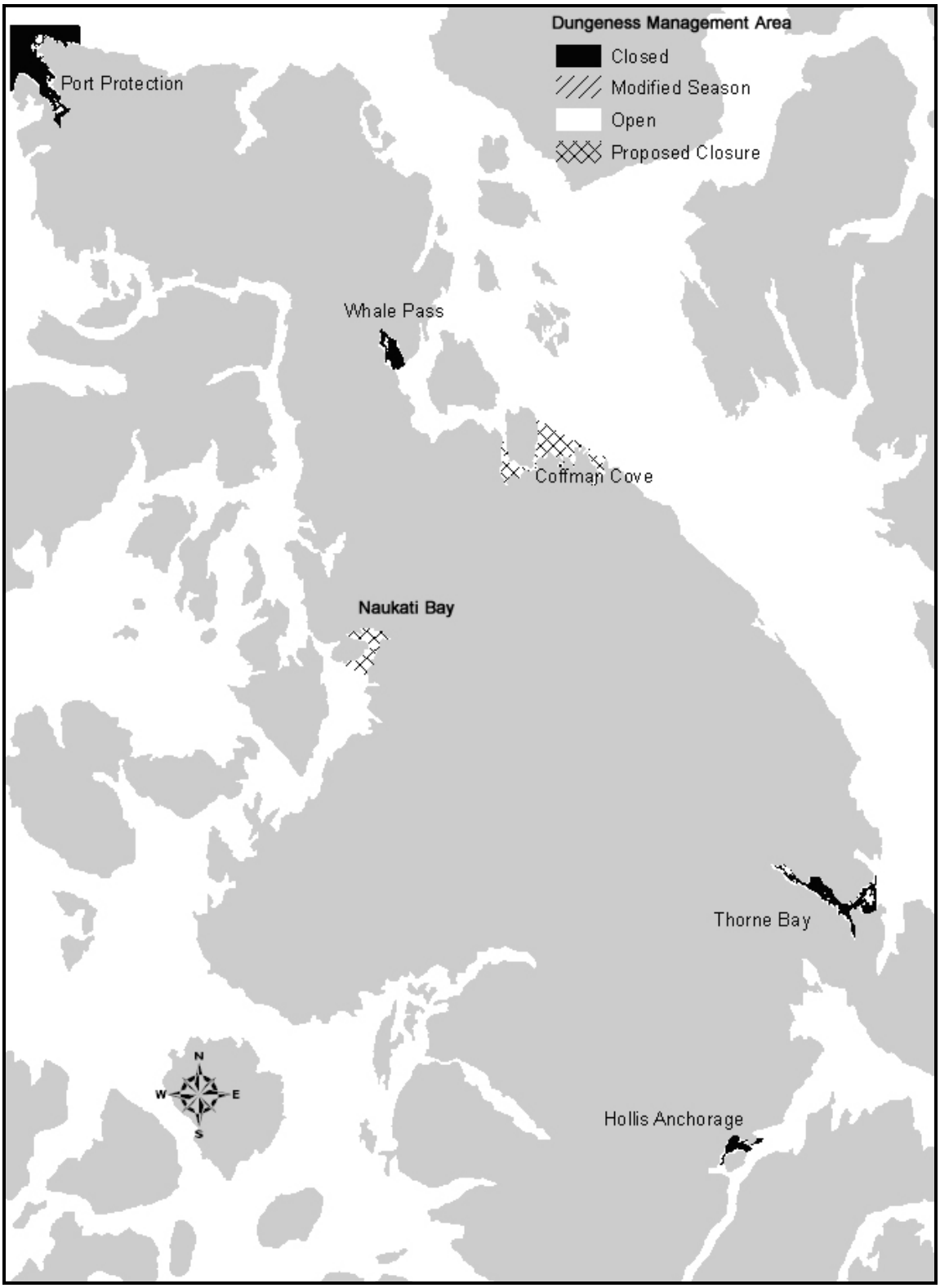

Figure 157-1–Areas around Prince of Wales Island currently closed or proposed for closure to commercial fishing of Dungeness crab.

Figure 157-2–Areas around Coffman Cove closed or proposed for closure to commercial fishing of Dungeness crab.

PROPOSAL 158: **5AAC 32.150. CLOSED WATERS IN REGISTRATION AREA A.**

PROPOSED BY: Steve Burrell.

WHAT WOULD THE PROPOSAL DO? This proposal would establish a closed area to the commercial taking of Dungeness crab in a portion of the Wrangell Narrows near Petersburg in Southeast Alaska (Figures 158-1 and 158-2). Waters north of a line from Mt. Point extending to south of a line from the Wrangell Narrows Buoy (north end of narrows) would be closed to commercial harvest.

WHAT ARE THE CURRENT REGULATIONS?

5 AAC 32.110. Fishing seasons for Registration Area A.

In Registration Area A, male Dungeness crab may be taken or possessed only as follows:

(1) in Districts 1 and 2, and in Section 13-B, except the waters of the Sitka Sound Special Use Area described in 5 AAC 32.150(10), from 12:00 noon October 1 through 11:59 p.m. February 28;

(2) in the waters of Section 13-B that are in the Sitka Sound Special Use Area described in 5 AAC 32.150(10), from 12:00 noon October 1 through 11:59 p.m. November 30;

(3) in all other waters of Registration Area A, from 12:00 noon June 15 through 11:59 p.m. August 15 and from 12:00 noon October 1 through 11:59 p.m. November 30.

WHAT WOULD BE THE EFFECTS IF THE PROPOSAL IS ADOPTED? Commercial fishers in the north end of the Wrangell Narrows will be displaced and their harvest share re-allocated to personal use, sport, and subsistence fisheries.

BACKGROUND: Current regulations specify 16 areas closed to commercial harvest of Dungeness crab in Southeast Alaska; none of these areas are in the Petersburg area (Figure 158-1). The proposed area is part of statistical area 106-44, the Wrangell Narrows, a body of water separating Mitkof and Kupreanof Islands near Petersburg. The history of commercial harvest in statistical area 106-44 is given in Table 158-1; the long term average harvest is 33,359 pounds by 13 permit holders. The department conducted a household survey of the community of Petersburg in 2000 and estimated that the total personal use harvest of Dungeness crab was almost 19,000 pounds for the previous calendar year, about 6 pounds per capita.

A similar proposal was not adopted at the 2003 Board meeting.

DEPARTMENT COMMENTS: The department is **NEUTRAL** on this allocative proposal.

COST ANALYSIS: This proposal is not expected to result in additional direct cost for the private person to participate.

Table 158-1–Commercial harvest of Dungeness crab in Statistical Area 106-44.

Season	Harvest, pounds	Permits	Landings
1971–72	*	1	15
1972–79		No Harvest	
1979–80	*	1	3
1980–81	0	0	0
1981–82	93,602	10	41
1982–83	46,965	14	36
1983–84	4,043	3	4
1984–85	2,575	7	18
1985–86	5,598	9	16
1986–87	10,623	10	36
1987–88	16,399	17	60
1988–89	17,967	21	82
1989–90	6,522	14	39
1990–91	2,481	11	21
1991–92	11,988	14	54
1992–93	10,498	13	38
1993–94	21,409	15	58
1994–95	19,730	12	48
1995–96	30,143	17	74
1996–97	47,043	13	86
1997–98	13,298	19	91
1998–99	26,993	19	148
1999–00	39,349	14	157
2000–01	22,284	14	134
2001–02	48,637	15	196
2002–03	80,251	19	228
2003–04	67,863	18	197
2004–05	51,608	18	180
2005–06	81,295	17	194
2006–07	59,363	14	172
2007–08	89,663	13	330
2008–09	68,656	17	255
Average	33,359	13	100

*Information pertaining to harvest by 2 or less permit holders is confidential.

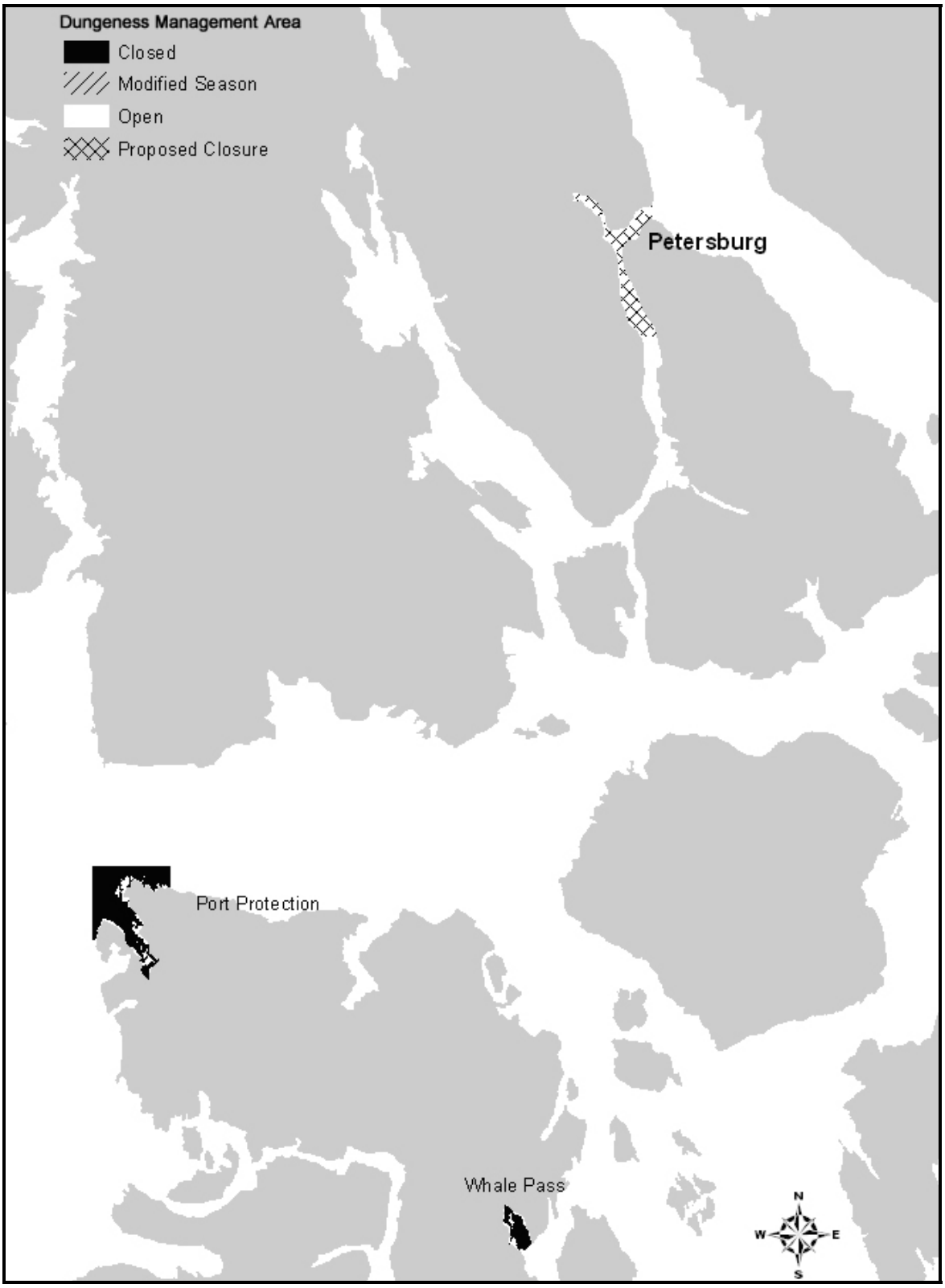

Figure 158- 1–Areas in the vicinity of Petersburg that are currently closed or proposed for closure to commercial fishing for Dungeness crab.

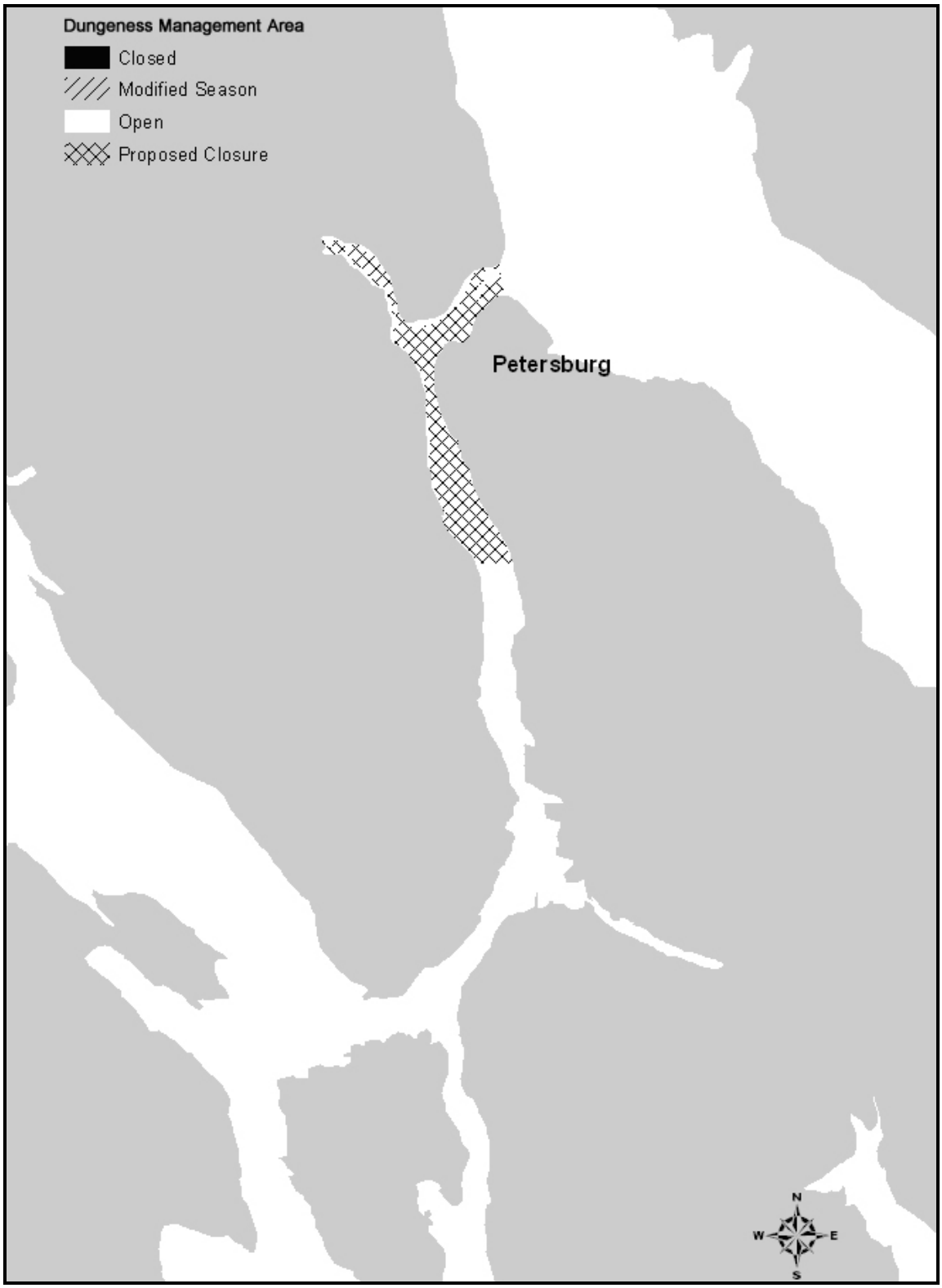

Figure 158-2–Area near Petersburg proposed for closure to commercial fishing of Dungeness crab.

PROPOSAL 159: 5AAC 32.150. CLOSED WATERS IN REGISTRATION AREA A.

PROPOSED BY: Larry Wilkinson.

WHAT WOULD THE PROPOSAL DO? This proposal would establish a closed area to the commercial taking of Dungeness crab in Naukati Bay near the community of Naukati in Southeast Alaska (Figures 157-1 and 157-2). Waters of Naukati Bay would be closed to commercial harvest.

WHAT ARE THE CURRENT REGULATIONS?

5 AAC 32.110. Fishing seasons for Registration Area A.

In Registration Area A, male Dungeness crab may be taken or possessed only as follows:

(1) in Districts 1 and 2, and in Section 13-B, except the waters of the Sitka Sound Special Use Area described in 5 AAC 32.150(10), from 12:00 noon October 1 through 11:59 p.m. February 28;

(2) in the waters of Section 13-B that are in the Sitka Sound Special Use Area described in 5 AAC 32.150(10), from 12:00 noon October 1 through 11:59 p.m. November 30;

(3) in all other waters of Registration Area A, from 12:00 noon June 15 through 11:59 p.m. August 15 and from 12:00 noon October 1 through 11:59 p.m. November 30.

WHAT WOULD BE THE EFFECTS IF THE PROPOSAL IS ADOPTED? Commercial permit holders fishing in Naukati Bay will be displaced and their harvest share re-allocated to personal use, sport, and subsistence fisheries.

BACKGROUND: Current regulations specify 16 areas closed to commercial harvest of Dungeness crab in Southeast Alaska. Four of these areas are on Prince of Wales Island and none of them are near Naukati (Figures 159-1 and 159-2). Naukati Bay is part of statistical area 103-90, which encompasses all of Sea Otter Sound. Specific harvest information from Naukati Bay cannot be determined. The history of commercial harvest in statistical area 103-90 is given in Table 159-1; the long term average harvest is 7,087 pounds by 2 permit holders. The department conducted household surveys in Naukati Bay in 1999. In Naukati Bay the estimated total personal use harvest of Dungeness crab was 2,250 pounds or a little over 15 pounds per capita.

DEPARTMENT COMMENTS: The department is **NEUTRAL** on this allocative proposal.

COST ANALYSIS: This proposal is not expected to result in additional direct cost for the private person to participate.

Table 159-1–Commercial harvest of Dungeness crab in Statistical Area 103-90.

Season	*Harvest, pounds*	*Permits*	*Landings*
1971–72	*	1	1
1972–76		No Harvest	
1976–77	2,131	3	5
1977–82		No Harvest	
1982–83	*	2	2
1983–84	*	1	1
1984–85	*	1	2
1985–86	0	0	0
1986–87	3,388	3	9
1987–88	11,713	4	7
1988–89	*	1	2
1989–90	0	0	0
1990–91	0	0	0
1991–92	3,275	3	4
1992–93	*	1	1
1993–94	0	0	0
1994–95	*	2	2
1995–96	0	0	0
1996–97	*	2	7
1997–98	11,742	4	15
1998–99	10,276	5	11
1999–00	*	1	6
2000–01	*	2	9
2001–02	26,144	6	28
2002–03	10,700	5	19
2003–04	31,594	4	23
2004–05	22,392	8	19
2005–06	*	2	21
2006–07	21,802	3	10
2007–08	33,665	5	18
2008–09	*	1	7
Average	7,087	2	6

*Information pertaining to harvest by 2 or less permit holders is confidential.

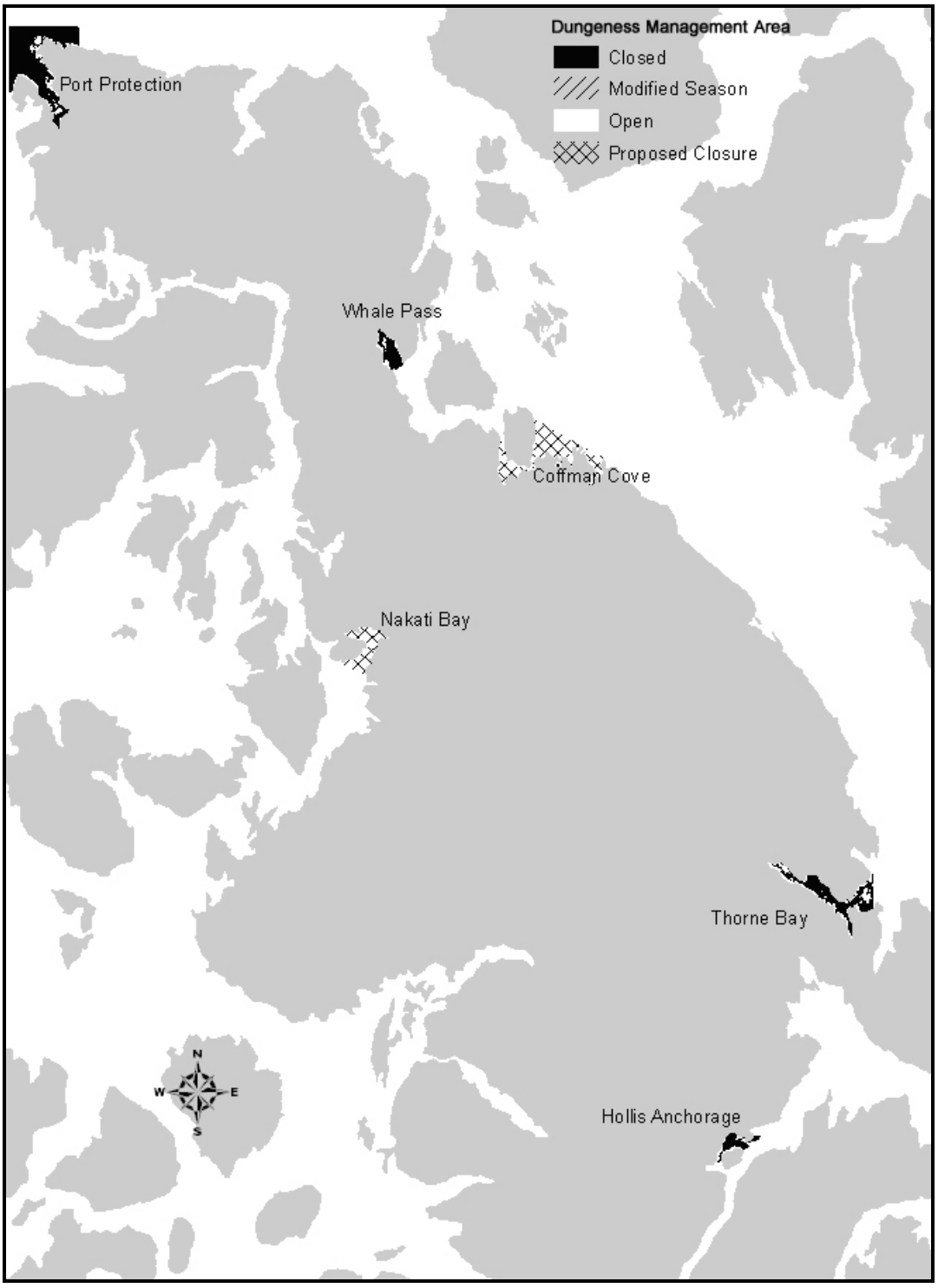

Figure 159-1–Areas around Prince of Wales Island currently closed or proposed for closure to commercial fishing for Dungeness crab

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Figure 159-2–Areas around Naukati Bay closed or proposed for closure to commercial fishing for Dungeness crab.

PROPOSAL 160: 5AAC 47.020(11). GENERAL PROVISIONS FOR SEASON AND BAG, POSSESSION, ANNUAL, AND SIZE LIMITS FOR THE SALT WATERS OF THE SOUTHEAST ALASKA AREA.

PROPOSED BY: Southeast Alaska Fisherman's Alliance.

WHAT WOULD THE PROPOSAL DO? This proposal would reduce the sport bag and possession limits from five Dungeness crab and Tanner crab in combination from five to three Dungeness crab and Tanner crab in combination.

WHAT ARE THE CURRENT REGULATIONS? The sport bag and possession limit for Dungeness and Tanner crab is five crab in combination, males only. Minimum size limits are a 6 ½ inch carapace width for Dungeness, and a 5 ½ inch carapace width for Tanner crab.

WHAT WOULD BE THE EFFECTS IF THE PROPOSAL IS ADOPTED? Harvest of Dungeness and tanner crab would decrease by some amount.

BACKGROUND: From 2003 to 2007, sport and personal use harvest of Dungeness crab in Southeast Alaska averaged about 78,000 crab. The non-resident harvest component was roughly 39% of the total sport and personal use harvest, but only about 1% of the total harvest taken in all fisheries. Recreational harvests of Tanner crab in Southeast Alaska average (2003–2007) about 2,500 crab. The portion taken by non-residents is not known; however, it appears that few non-residents harvest Tanner crab. The total sport and personal use harvest of Tanner crab is roughly 1% of the harvest taken in all fisheries that harvest Tanner crab.

Over the past ten years, commercial Dungeness crab harvests have been above average, with the 2002/2003 harvest being the largest in the history of the fishery. During the past seven years, commercial Tanner crab harvests have been the lowest since 1975; a result of lower fishery effort and possibly lower abundance.

DEPARTMENT COMMENTS: The department is **NEUTRAL** on this allocative proposal.

COST ANALYSIS: Adoption of this proposal is not expected to add any direct cost for a private person to participate in this fishery.

PROPOSAL 161: 5AAC 75.085(2). GUIDED SPORT ECOTOURISM REQUIREMENTS.

PROPOSED BY: Patricia Shaughnessy.

WHAT WOULD THE PROPOSAL DO? This proposal would allow paying clients on board a vessel engaged in guided sport ecotourism fishing to handle fish without possessing a valid sport fishing license.

WHAT ARE THE CURRENT REGULATIONS? AS 16.05.330(a) Except as otherwise permitted in this chapter, without having the appropriate license or tag in actual possession, a person may not engage in (1) sport fishing; AS 16.05.940 (34) "take" means taking, pursuing, hunting, fishing, trapping, or in any manner disturbing, capturing, or killing or attempting to take, pursue, hunt, fish, trap, or in any manner capture or kill fish or game; 5AAC 75.085. Guided sport ecotourism requirements. .Except as otherwise provided, guided sport ecotourism fishing may occur only as follows: .(1) a person conducting guided sport ecotourism fishing shall obtain an annual sport fishing operator license as specified in 5 AAC 75.075; (2) a person holding a valid sport fishing guide license registered for the fishery must be present at all times when gear or fish are being handled; (3) a person on board a vessel engaged in ecotourism fishing may handle gear or fish only if the person is a holder of a sport fishing license.

WHAT WOULD BE THE EFFECTS IF THE PROPOSAL IS ADOPTED? Many local charter businesses are diversifying their tour options to include similar catch and release fishing, crabbing, shrimping, and wildlife viewing activities. Adoption of this proposal will set a precedence for the future. More sport fishing and commercial tour operations may propose similar waivers of the sport fishing license requirement. Ecotourism clients will not be required to possess a sport fishing license while all other persons will be required to have a license when handling gear and shellfish.

BACKGROUND: The George Inlet Lodge or Experience Alaska Tours operates in George Inlet 15 miles south of Ketchikan on the southwest shore of George Inlet. George Inlet Lodge operates three boats, carrying up to 30 clients per boat, and host 10,000 clients per summer. Each day approximately four trips are made on a seven mile cruise up the head of the Inlet to Coon Cove to pull Dungeness pots and learn about the crab life cycle and anatomy. During the tour, clients are educated on the history of logging, mining, and the salmon industry. Following the marine tour, clients return to the lodge for an all-you-can-eat Dungeness crab meal.

The George Inlet Dungeness Crab Eco-Tour was licensed from 2003 to 2007 under the commissioner's authority to issue permits for scientific and educational purposes. By 2007, more commercial ecotourism operators were requesting permits to operate similar businesses. After further review, the department determined that these requests did not fit current scientific and educational permit requirements.

In October 2007, the department met with the board to discuss its concerns and the Board set up a committee to investigate the issues. In March 2008, the committee returned to the Board with three proposed solutions, which included emergency regulation options modeled on a commercial fishing framework, guided sport framework, or a Commissioner's special use permit framework. The Board discussed each option and determined that the guided sport framework was the best fit for eco-tour operations. The board enacted regulations (5AAC. 75.085) for the 2008 tour season.

Under the commissioner's special use permit issued from 2003 to 2007, the eco-tour operation was permitted to use up to 6 Dungeness crab pots; 2 were operational pots and 4 were non-operational "holding" pots. The non-operational pots were defined as educational pots and were allowed to be pulled by clients without a valid sport fishing license.

DEPARTMENT COMMENTS: The department is **OPPOSED** to this proposal. The board decided in March 2008 that the George Inlet Guided Sport Ecotourism fishery is a variation of guided sport fishing. Clients who wish to handle gear are choosing to engage in a sport fishing activity and must possess a valid sport fishing license according to AS 16.05.330. All anglers participating in any other sport fishery must possess a sport fishing license regardless of whether they are guided, self-guided, practice catch and release, or harvest their catch.

COST ANALYSIS: Adoption of this proposal is not expected to add any direct cost for a private person to participate in this fishery.

PROPOSAL 162: 5AAC 47.090. GEORGE INLET SUPEREXCLUSIVE GUIDED SPORT ECOTOURISM DUNGENESS CRAB FISHERY.

PROPOSED BY: Patricia Shaughnessy.

WHAT WOULD THE PROPOSAL DO? By changing shall to may, this proposal removes the provision requiring the commissioner to reduce the number of allowable pots, pot lifts or both if more than three vessels register for the George Inlet superexclusive guided sport ecotourism Dungeness crab fishery. Additionally it would require the department to demonstrate a biological basis for reducing the number of pots and pot lifts in this fishery.

WHAT ARE THE CURRENT REGULATIONS? 5AAC 47.090 George Inlet superexclusive guided sport ecotourism Dungeness crab fishery: (i) The Commissioner may close the fishery by emergency order, or close and immediately reopen the fishery with additional conditions by emergency order, if the Commissioner determines that a closure or additional conditions are reasonably necessary for the protection of the resource. The Commissioner shall close the guided sport ecotourism Dungeness crab fishery if the personal use Dungeness crab fishery in the area is closed. The Commissioner shall reduce the number of allowable pots or the number of allowable pot lifts, or both, if more than three vessel register for the George Inlet superexclusive guided sport ecotourism Dungeness crab fishery.

WHAT WOULD BE THE EFFECTS IF THE PROPOSAL IS ADOPTED?

The George Inlet superexclusive guided sport ecotourism Dungeness crab fishery may continue to operate with the same number of pots, pot lifts, or both if more than three vessels register for the fishery. The additional vessel(s) registered for the fishery will have the same allowance of 2 pots per vessel and three lifts per pot, thus increasing effort for Dungeness crab in George Inlet.

BACKGROUND: The George Inlet Lodge or Experience Alaska Tours operates in George Inlet 15 miles south of Ketchikan on the southwest shore of George Inlet. George Inlet Lodge operates three boats, carrying up to 30 clients per boat, and hosts 10,000 clients per summer. Each day approximately four trips are made on a seven mile cruise up the head of the Inlet to Coon Cove to pull Dungeness crab pots and learn about the crab life cycle and anatomy. During the tour, clients are educated on the history of logging, mining and the salmon industry. Following the marine tour, clients return to the lodge for an all-you-can-eat Dungeness crab dinner.

The George Inlet Dungeness crab eco-tour operation was licensed from 2003 to 2007 under the commissioner's authority to issue special use permits for scientific and educational purposes. In March 2008, the board determined that this operation did not fit current requirements for scientific and educational permits. The board enacted regulations (5AAC 75.085) for the 2008 tour season.

Under the commissioner's special use permit, George Inlet Lodge was permitted to operate up to six pots; 2 were operational and 4 were non-operational "holding pots." There were no restrictions to the number of lifts allowed and no crab were to be kept. In 2003, there was no limit to how many crab were caught each season; however, in 2004 a seasonal limit of "handling" 1000 crab was set. Department biologists set the limit conservatively because of a lack of baseline information on abundance and handling mortality. They believed that these conditions were adequate in maintaining a sustainable Dungeness crab population in the area. Both the permit issuer and permit holder interpreted "handling" as the number of crab that could be retained for demonstration purposes. Herein, the use of the term 'handling" will refer to any crab removed from the water and/or total catch.

Under the new guided sport ecotourism regulations, George Inlet Lodge was permitted to operate up to six pots; three vessels, with two pots per vessel and three lifts per pot, per day. All pots were operational and no crab were to be kept. Each vessel required a logbook to track the number of crab caught and released per trip. These regulations allowed the temporary retention of one legal size male Dungeness crab per trip to be used for demonstration.

In 2008, three vessels registered for the fishery, but only two operated. An average of 4 trips per day were made during 150 days of operation resulting in a total catch of 5,764 crab. Approximately 597 of the crab caught in 2008 were used for demonstration purposes.

Since 2003, the number of operation days per season has increased slightly from 125 to 150 days. Total catch was not recorded consistently from 2003 to 2007 and only three years of catch data are available. The total catch in 2003 (13,540) was more than twice the total catch from 2007 (6,341) and 2008 (5,764). There is some speculation that the total catch in 2003 included repeated daily counts from the nonoperational "holding pots". The number of pot lifts in 2008 (1,176) was nearly identical to the number of pot lifts recorded in 2003 (1,171). There is a commercial Dungeness crab fishery from October 1 to February 28 in District 1, including George Inlet. Little commercial effort occurs in George Inlet because other District 1 areas are more productive for Dungeness crab.

Presently there is no stock assessment information that identifies mortality rates associated with handling for Dungeness crab. Biologists agree that different types of handling could potentially lead to increased mortality in Dungeness crab, such as some types of dump boxes used in commercial fisheries. It is likely that the type of handling that occurs during the eco-tour operation is less harmful, so long as the time the crabs spend out of the water is kept to a minimum.

Studies on the effects of handling soft or light crabs indicate that handling of crab during the male or female molt period or "soft shell" months could lead to increased mortality. The George Inlet eco-tour operates from April to September during both molt periods. The molt period for males occurs from March to July; for females the molt period occurs from August to September. The commercial Dungeness crab fishery in Southeast Alaska is closed for the majority of the male molt period, and is also closed from Aug 16 to September 30 when the female molt and mating occurs.

Tagging studies on growth of Dungeness crab have indicated that adult crabs do not migrate far from their initial point of capture. It is assumed that repeated handling does occur during the eco-tour since pots are set in the same vicinity (Coon Cove) each day. Repeated handling during the "soft shell" season could amplify adverse effects.

The intent of this proposal is to protect the George Inlet Lodge tour operation from being restricted if another company registers a vessel whether they intend to participate in the fishery or not. In 2008, George Inlet Lodge operated at less than half of their maximum potential. The maximum number of vessels, pots and pot lofts allowed under the new regulations was not fully utilized throughout the 2008 season. If George Inlet Lodge begins to operate at its maximum potential the department assumes that the number of pots, pot lifts, total catch and number of crab used for demonstration will likely double and the effects of those increases are unknown.

DEPARTMENT COMMENTS: The department is **NEUTRAL** on this proposal. While it is believed that the current conditions of the guided sport ecotourism regulations provide for sustainability, it is unknown what effects an increase in the number of boats participating in this fishery will have on the Dungeness crab resource in George Inlet.

COST ANALYSIS: The department does not believe that approval of this proposal would result in any additional direct cost for a private person to participate in this fishery.

PROPOSAL 163: 5AAC 47.090. GEORGE INLET SUPEREXCLUSIVE GUIDED SPORT ECOTOURISM DUNGENESS CRAB FISHERY.

PROPOSED BY: Patricia Shaughnessy

WHAT WOULD THE PROPOSAL DO? Adoption of this proposal would increase the number of allowable pots from two pots to three pots per vessel and increase the number of allowable pot lifts from three lifts to four lifts per day in the George Inlet superexclusive guided sport ecotourism Dungeness crab fishery.

WHAT ARE THE CURRENT REGULATIONS? 5AAC 47.090 George Inlet superexclusive guided sport ecotourism Dungeness crab fishery: (d) Notwithstanding 5AAC 47.035(c), no more than two pots per vessel may be used and each pot may be lifted no more than three times per day. A pot lifted more than twice per day must be removed from the water on the third lifting and not returned to the water until the next calendar day.

WHAT WOULD BE THE EFFECTS IF THE PROPOSAL IS ADOPTED?

Three additional pots will be set per day and each pot will be lifted up to four times per day. There would be some small increase in catch mortality due to repeated handling. Currently, pots are only set in Coon Cove and it is assumed that repeated handling of crab occurs.

BACKGROUND: The George Inlet Lodge or Experience Alaska Tours operates in George Inlet 15 miles south of Ketchikan on the southwest shore of George Inlet. George Inlet Lodge operates three boats, carrying up to 30 clients per boat, and hosts 10,000 clients per summer. Each day approximately four trips are made on a seven mile cruise up the head of the Inlet to Coon Cove to pull Dungeness crab pots and learn about the crab life cycle & anatomy. During the tour, clients are educated on the history of logging, mining and the salmon industry. Following the marine tour, clients return to the lodge for an all-you-can-eat Dungeness dinner.

The George Inlet Dungeness crab eco-tour operation was licensed from 2003 to 2007 under the commissioner's authority to issue special use permits for scientific and educational purposes. In March 2008, the board determined that this operation did not fit current requirements for scientific and educational permits. The board enacted emergency regulations (5AAC 75.085) for the 2008 tour season.

Under the commissioner's special use permit, George Inlet Lodge was permitted to operate up to six pot; 2 were operational and 4 were non-operational "holding pots." There were no restrictions to the number of lifts allowed and no crab were to be kept. In 2003, there was no limit to how many crab were caught each season; however, in 2004 a seasonal limit of "handling" 1000 crab was set. Department biologists set the limit conservatively because of a lack of baseline information on abundance and handling mortality. They believed that these

conditions were adequate in maintaining a sustainable Dungeness crab population in the area. Both the permit issuer and permit holder interpreted "handling" as the number of crab that could be retained for demonstration purposes. Herein, the use of the term 'handling" will refer to any crab removed from the water and/or total catch.

Under the new guided sport ecotourism regulations, George Inlet Lodge was permitted to operate up to six pots; three vessels, with two pots per vessel and three lifts per pot, per day. All pots were operational and no crab were to be kept. Each vessel required a logbook to track the number of crab caught and released per trip. These regulations allowed the temporary retention of one legal size male Dungeness crab per trip to be used for demonstration.

In 2008, three vessels registered for the fishery, but only two operated. An average of 4 trips per day were made during 150 days of operation resulting in a total catch of 5,764 crab. Approximately 597 of the crab caught in 2008 were used for demonstration purposes.

Since 2003, the number of operation days per season has increased slightly from 125 to 150 days. Total catch was not recorded consistently from 2003 to 2007 and only three years of catch data are available. The total catch in 2003 (13,540) was more than twice the total catch from 2007 (6,341) and 2008 (5,764). There is some speculation that the total catch in 2003 included repeated daily counts from the nonoperational "holding pots." The number of pot lifts in 2008 (1,176) was nearly identical to the number of pot lifts recorded in 2003 (1,171).

There is a commercial Dungeness fishery from October 1 to February 28 in District 1, including George Inlet. Little commercial effort occurs in George Inlet because other District 1 areas are more productive for Dungeness crab.

DEPARTMENT COMMENTS: The department is **NEUTRAL** on this proposal. In 2008, George Inlet Lodge operated at less than half of their maximum potential. The maximum number of vessels, pots and pulls allowed under the new regulations was not fully utilized throughout the 2008 season. If George Inlet Lodge begins to operate at its maximum potential we can assume that the number of pots, lifts, total catch, and number of crab used for demonstration will likely double and the effects of those increases are unknown. While it is believed that the current conditions of the guided sport ecotourism regulations provide for sustainability, it is unknown the effects an additional pot and pull per vessel will have on the Dungeness crab resource in George Inlet.

Presently there is no stock assessment information that identifies mortality rates associated with handling for Dungeness crab. Biologists agree that different types of handling could potentially lead to increased mortality in Dungeness crab, such as some types of dump boxes used in commercial fisheries. It is likely that the type of handling that occurs during the eco-tour operation is less harmful, so long as the time the crabs spend out of the water is kept to a minimum.

Studies on the effects of handling soft or light crabs indicate that handling of crab during the male or female molt period or "soft shell" months could lead to increased mortality. The George Inlet eco-tour operates from April to September during both molt periods. The molt period for males occurs from March to July; for females the molt period is from August – September. The commercial Dungeness crab fishery in Southeast Alaska is closed for the majority of the male

molt period, and is also closed from Aug 16 to September 30 when the female molt and mating occurs.

Tagging studies on growth of Dungeness crab have indicated that adult crabs do not migrate far from their initial point of capture. It is assumed that repeated handling does occur during the eco-tour since pots are set in the same vicinity (Coon Cove) each day. Repeated handling during the "soft shell" season could amplify adverse effects.

COST ANALYSIS: The department does not believe that approval of this proposal would result in any additional direct cost for a private person to participate in this fishery.

PROPOSAL 164: 5AAC 02.108(a). CUSTOMARY AND TRADITIONAL SUBSISTENCE USES OF SHELLFISH STOCKS.

PROPOSED BY: Icy Straits Advisory Committee.

WHAT WOULD THE PROPOSAL DO? The proposal would establish a customary and traditional (C&T) finding for subsistence harvest of king crab in District 14, east of the longitude of Point Dundas; in the waters of District 12 between the latitude of Parker Point and the latitude of Point Caution, and Section 13C east of the longitude of Point Elizabeth.

WHAT ARE THE CURRENT REGULATIONS? There are no C&T findings (neither positive nor negative) for king crab in these waters.

5 AAC 02.108(a). Customary and traditional uses of shellfish stocks

The Alaska Board of Fisheries finds that the following shellfish stocks are customary and traditionally taken or used for subsistence:
(3) Shellfish, except shrimp, king and Tanner crab,

(A) in the waters of District 14, east of the longitude of Point Dundas;

(B) in the waters of District 12 between the latitude of Parker Point and the latitude of Point Caution, and Section 13C east of the longitude of Point Elizabeth.

WHAT WOULD BE THE EFFECTS IF THE PROPOSAL IS ADOPTED? There would be a positive customary and traditional use determination for king crab in District 14, east of the longitude of Point Dundas; in the waters of District 12 between the latitude of Parker Point and the latitude of Point Caution, and Section 13C east of the longitude of Point Elizabeth. For stocks with customary and traditional uses, under AS 16.05.258 (b) the board must determine the amount of the harvestable surplus that is reasonable for subsistence uses and adopt regulations that provide a reasonable opportunity for subsistence uses.

BACKGROUND: Under the state subsistence statute (AS 16.05.258(a)), the Board of Fisheries must identify those fish stocks, or portions of those stocks, that support customary and traditional (C&T) subsistence uses. The board applies the Joint Board's C&T procedures ("the eight criteria") to make these determinations (5 AAC 99.010). The department has prepared a background report, in the form of a customary and traditional use worksheet that summarizes available harvest and use information for these stocks. This report, plus information the board receives from the public during the January 2009 meeting, can be used to develop a customary and traditional use finding.

DEPARTMENT COMMENTS: The department is **NEUTRAL** on the proposal due to its allocative aspects. We recommend that the board review the information in the department's customary and traditional use worksheet, as well as any information provided during public

testimony at the January 2009 meeting, as the basis for a customary and traditional use finding for these stocks.

COST ANALYSIS: This proposal is not expected to result in additional direct cost for the private person to participate.

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? The board has not yet made this determination.

3. Can a portion of the stock be harvested consistent with sustained yield? Yes.

4. What amount is reasonably necessary for subsistence use? If the board makes a positive customary and traditional use finding for the king crab stocks in District 14, east of the longitude of Point Dundas; in the waters of District 12 between the latitude of Parker Point and the latitude of Point Caution; and Section 13C east of the longitude of Point Elizabeth, it should review available harvest data and determine if adequate data are available to support adopting an ANS range.

5. Do the regulations provide a reasonable opportunity for subsistence use? This is a board determination.

6. Is it necessary to reduce or eliminate other uses to provide a reasonable opportunity for subsistence use? This is a board determination.

PROPOSAL 165: 5AAC 01.716. CUSTOMARY AND TRADITIONAL SUBSISTENCE USES OF SHELLFISH STOCKS AND AMOUNT NECESSARY FOR SUBSISTENCE USES; AND 77.XXX NEW SECTION.

PROPOSED BY: Icy Straits Advisory Committee.

WHAT WOULD THE PROPOSAL DO? The proposal would establish a Customary and Traditional (C&T) Use finding for subsistence harvest of red king crab in Port Frederick and would provide a subsistence fishery. Current regulations already allow the personal use red king crab season to open starting on July 1.

WHAT ARE THE CURRENT REGULATIONS? There are no C&T findings (neither positive nor negative) for red king crab in these waters.

5 AAC 77.664 Personal use king crab fishery.

(a)(2) In the waters east of the longitude of Cape Spencer (136° 39.50' W. long.),

(A) red and blue king crab may be taken only from July 1 through March 31 and there is no closed season for golden king crab;

WHAT WOULD BE THE EFFECTS IF THE PROPOSAL IS ADOPTED? There would be a positive customary and traditional use determination for red king crab in Port Frederick. For stocks with customary and traditional uses, under AS 16.05.258 (b) the board must determine the amount of the harvestable surplus that is reasonable for subsistence uses and adopt regulations that provide a reasonable opportunity for subsistence uses.

BACKGROUND: Under the state subsistence statute (AS 16.05.258(a)), the Board of Fisheries must identify those fish stocks, or portions of those stocks, that support customary and traditional (C&T) subsistence uses. The board applies the Joint Board's C&T procedures ("the eight criteria") to make these determinations (5 AAC 99.010). The department has prepared a background report, in the form of a customary and traditional use worksheet that summarizes available harvest and use information for these stocks. This report, plus information the board receives from the public during the January 2009 meeting, can be used to develop a customary and traditional use finding.

The current red king crab personal use season of July 1–March 31 has been in regulation since the late 1970s. The season was established to protect red king crab during sensitive mating and molting periods during April–June.

The department assesses the red king crab stock in the Port Frederick area annually and determines whether the stock can withstand harvest. f the department's analysis determines that harvest is appropriate, the harvest rate may be set at the maximum of 20% of mature male biomass if the stock status is healthy, or at a reduced rate of 10% of mature male biomass if the stock status is only moderate. When the stock is healthy, the personal use season typically opens

on July 1st for the entire season. However, when the stock status is only moderate, the department has, in the past, reduced the season length by delaying the start date by emergency order to allow some level of harvest, while effecting a meaningful reduction in effort and harvest. Truncated seasons that begin on July 1 allow potentially high effort during summer months and a risk of exceeding the sustainable harvest rate. Currently, other than reductions in season length, the department has no means to reduce personal use effort and harvest to stay within sustainable harvest levels.

Table 165-1 lists the season start and end dates for the past ten years in the Port Frederick area.

DEPARTMENT COMMENTS: The department is **NEUTRAL** on the proposal due to its allocative aspects. We recommend that the board review the information in the department's customary and traditional use worksheet, as well as any information provided during public testimony at the January 2009 meeting, as the basis for a customary and traditional use finding for these stocks.

COST ANALYSIS: This proposal is not expected to result in additional direct cost for the private person to participate.

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? The board has not yet made this determination.

3. Can a portion of the stock be harvested consistent with sustained yield? Yes.

4. What amount is reasonably necessary for subsistence use? If the board makes a positive customary and traditional use finding for the red and blue king crab stocks in the waters east of the longitude of Cape Spencer area, it should review available harvest data and determine if adequate data are available to support adopting an ANS range.

5. Do the regulations provide a reasonable opportunity for subsistence use? This is a board determination.

6. Is it necessary to reduce or eliminate other uses to provide a reasonable opportunity for subsistence use? This is a board determination.

Table 165-1–Red king crab personal use and commercial fishery open and close dates in Port Frederick.

Season	Personal use fishery	Commercial Fishery
1999/00	July 1–March 31	Nov. 1–Nov. 13
2000/01	July 1–March 31	Closed
2001/02	July 1–March 31	Nov. 1–Nov. 12
2002/03	July 1–March 31	Nov. 1–Nov. 8
2003/04	July 1–Sept. 14	Closed
2004/05	Closed	Closed
2005/06	Closed	Closed
2006/07	Closed	Closed
2007/08	Closed	Closed
2008/09	Closed	Closed

PROPOSAL 166: 5AAC 02.108(a). CUSTOMARY AND TRADITIONAL SUBSISTENCE USES OF SHELLFISH STOCKS.

PROPOSED BY: Brent Akers.

WHAT WOULD THE PROPOSAL DO? The proposal would establish a Customary and Traditional (C&T) Use finding for subsistence harvest of red king crab in Section 6-A, District 8, and portion of District 10.

WHAT ARE THE CURRENT REGULATIONS? There are no C&T findings (neither positive nor negative) for shellfish (including red king crab) in these waters.

5 AAC 02.108(a). Customary and traditional uses of shellfish stocks.

The Alaska Board of Fisheries finds that the following shellfish stocks are customary and traditionally taken or used for subsistence:

(5) shellfish, except king and Tanner crab in the waters of District[S] 7 [AND 8].

(6) shellfish, except Tanner crab in District 8.

(7) king crab in the waters of Section 6-A east of the line from McNamara Point to Mitchell Point, including Wrangell Narrows.

(8) king crab in the portion of District 10 south of a line from Bay Point to Boulder Point.

WHAT WOULD BE THE EFFECTS IF THE PROPOSAL IS ADOPTED? There would be a positive customary and traditional use determination for red king crab in Section 6-A, District 8, and a portion of District 10. For stocks with customary and traditional uses, under AS 16.05.258 (b), the board must determine the amount of the harvestable surplus that is reasonable for subsistence uses and adopt regulations that provide a reasonable opportunity for subsistence uses.

BACKGROUND: Under the state subsistence statute (AS 16.05.258(a)), the Board of Fisheries must identify those fish stocks, or portions of those stocks, that support customary and traditional (C&T) subsistence uses. The Board applies the Joint Board's C&T procedures ("the eight criteria") to make these determinations (5 AAC 99.010). The department has prepared a background report, in the form of a customary and traditional use worksheet that summarizes available harvest and use information for these stocks. This report, plus information the board receives from the public during the January 2009 meeting, can be used to develop a customary and traditional use finding.

DEPARTMENT COMMENTS: The department is **NEUTRAL** on the proposal due to its allocative aspects. We recommend that the board review the information in the department's customary and traditional use worksheet, as well as any information provided during public

testimony at the January 2009 meeting, as the basis for a customary and traditional use finding for these stocks.

COST ANALYSIS: This proposal is not expected to result in additional direct cost for the private person to participate.

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? The board has not yet made this determination.

3. Can a portion of the stock be harvested consistent with sustained yield? Yes.

4. What amount is reasonably necessary for subsistence use? If the board makes a positive customary and traditional use finding for the red king crab stocks in the waters in Section 6-A, District 8, and a portion of District 10, it should review available harvest data and determine if adequate data are available to support adopting an ANS range.

5. Do the regulations provide a reasonable opportunity for subsistence use? This is a board determination.

6. Is it necessary to reduce or eliminate other uses to provide a reasonable opportunity for subsistence use? This is a board determination.

PROPOSAL 167: 5AAC 02.108(a). CUSTOMARY AND TRADITIONAL SUBSISTENCE USES OF SHELLFISH STOCKS.

PROPOSED BY: Robert J. Hartmen.

WHAT WOULD THE PROPOSAL DO? The proposal asks to close the commercial harvest of king crab in 13B and 13C or designate the king crab as a subsistence resource in those areas.

WHAT ARE THE CURRENT REGULATIONS? Currently there is no C&T finding (neither positive nor negative) for king crab in sections 13-B and 13-C.

5 AAC 02.108(a). Customary and traditional uses of shellfish stocks.

The Alaska Board of Fisheries finds that the following shellfish stocks are customary and traditionally taken or used for subsistence:
(B) in the waters of District 12 between the latitude of Parker Point and the latitude of Point Caution, and Section 13C east of the longitude of Point Elizabeth.

(4) Dungeness crab, shrimp, abalone, sea cucumber, gum boots, cockles, and clams, except geoducks in waters of District 13.

WHAT WOULD BE THE EFFECTS IF THE PROPOSAL IS ADOPTED? There would be a positive customary and traditional use determination for king crab in sections 13-B and 13-C. For stocks with customary and traditional uses, under AS 16.05.258 (b) the board must determine the amount of the harvestable surplus that is reasonable for subsistence uses and adopt regulations that provide a reasonable opportunity for subsistence uses.

BACKGROUND: Under the state subsistence statute (AS 16.05.258(a)), the Board of Fisheries must identify those shellfish stocks, or portions of those stocks, that support customary and traditional (C&T) subsistence uses. The board applies the Joint Board's C&T procedures ("the eight criteria") to make these determinations (5 AAC 99.010). The department has prepared a background report, in the form of a customary and traditional use worksheet that summarizes available harvest and use information for these shellfish stocks. This report, plus information the Board receives from the public during the January 2009 meeting, can be used to develop a customary and traditional use finding.

DEPARTMENT COMMENTS: The department is **NEUTRAL** on the proposal due to its allocative aspects. We recommend that the board review the information in the department's customary and traditional use worksheet, as well as any information provided during public testimony at the January 2009 meeting, as the basis for a customary and traditional use finding for these stocks.

COST ANALYSIS: This proposal is not expected to result in additional direct cost for the private person to participate.

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? The board has not yet made this determination.

3. Can a portion of the stock be harvested consistent with sustained yield? Yes.

4. What amount is reasonably necessary for subsistence use? If the board makes a positive customary and traditional use finding for the king crab stocks in sections 13-B and 13-C, it should review available harvest data and determine if adequate data are available to support adopting an ANS range.

5. Do the regulations provide a reasonable opportunity for subsistence use? This is a board determination.

6. Is it necessary to reduce or eliminate other uses to provide a reasonable opportunity for subsistence use? This is a board determination.

PROPOSAL 168: 5AAC 02.120. SUBSISTENCE KING CRAB FISHERY; AND 5AAC 77.664. PERSONAL USE KING CRAB FISHERY.

PROPOSED BY: Tad Fujioka.

WHAT WOULD THE PROPOSAL DO? The proposal asks for two separate, but related, provisions. The first is a request for a subsistence fishery for red and blue king crab, which would require that the Board of Fisheries determine whether these crab stocks have been customarily and traditionally used. This proposal also requests a provision that would allow the department the flexibility to alter personal use bag limits for red and blue king crab in Peril Straits in proportion to stock levels and stock status. The department has proposed a similar amendment to the personal use king crab regulations for the entire region (Proposal 176).

WHAT ARE THE CURRENT REGULATIONS? There are no C&T findings (neither positive nor negative) for red and blue king crab in these waters.

5 AAC 77.664. Personal use king crab fishery.

(a) Except as provided in (b) and (c) of this section, in the personal use taking of king crab,

(1) the daily bag and possession limit is six male crab per person;

(2) in waters east of the longitude of Cape Spencer (136^0¸ 39.50' W. long.),

(A) red and blue king crab may be taken only from July 1 through March 31 and there is no closed season for golden king crab;

(B) only male red and golden king crab seven inches and male blue king crab six and one-half inches or larger in width of shell may be taken or possessed;

WHAT WOULD BE THE EFFECTS IF THE PROPOSAL IS ADOPTED? There would be a positive customary and traditional use determination for red and blue king crab and Tanner crab. For stocks with customary and traditional uses, under AS 16.05.258(b), the board must determine the amount of the harvestable surplus that is reasonable for subsistence uses and adopt regulations that provide a reasonable opportunity for subsistence uses. Consequently, additional options could be considered as an alternative to closing the personal use red and blue king crab fishery in Peril Straits during years of low stock abundance or stock status. For example, the department could consider opening the personal use fishery at a bag limit of less than 6 crabs to allow some harvest opportunity, in addition to a subsistence fishery. If the Board makes a negative finding of customary and traditional use for these species in this area, the board can still consider the portion of the proposal that would allow the department to reduce the bag limit for personal use, in times of low stock abundance.

BACKGROUND: Under the state subsistence statute (AS 16.05.258(a)), the Board of Fisheries must identify those fish stocks, or portions of those stocks, that support customary and traditional (C&T) subsistence uses. The Board applies the Joint Board's C&T procedures ("the eight

criteria") to make these determinations (5 AAC 99.010). The department has prepared a background report, in the form of a customary and traditional use worksheet that summarizes available harvest and use information for these stocks. This report, plus information the board receives from the public during the January 2009 meeting, can be used to develop a customary and traditional use finding.

Current regulations allow a personal use bag and possession limit of 6 king crab in most areas of the Southeast Alaska region. Exceptions to this include the Juneau area (Section 11-A) and surrounding Sections, including Sections 12-B, 15-B, and 15-C where the bag and possession limit is 3 king crab. The department may adjust the bag limit in Section 11-A under authority of a permit (5 AAC 77.664(c)(5)); however, for other areas, the department only has the authority to either open areas to the full bag limit, limit season length, or close areas. The department has closed areas within the region, or reduced season length to limit harvest during years when stock status concerns were present.

DEPARTMENT COMMENTS: The department is **NEUTRAL** on this allocative proposal. We recommend that the board review the information in the department's customary and traditional use worksheet, as well as any information provided during public testimony at the January 2009 meeting, as the basis for a customary and traditional use finding for these stocks. The department is supportive of management flexibility to adjust red and blue king crab personal use bag limits downward from 6 crab per person depending on stock health and stock status in the Peril Straits area. The department would like to see this change made for the entire region as is submitted in Proposal 176.

COST ANALYSIS: This proposal is not expected to result in additional direct cost for the private person to participate.

SUBSISTENCE REGULATION REVIEW:

3. Is this stock in a non-subsistence area? No.

4. Is the stock customarily and traditionally taken or used for subsistence? The board has not yet made this determination.

5. Can a portion of the stock be harvested consistent with sustained yield? Yes.

6. What amount is reasonably necessary for subsistence use? If the board makes a positive customary and traditional use finding for the red and blue king crab stocks in the waters east of the longitude of Cape Spencer area, it should review available harvest data and determine if adequate data are available to support adopting an ANS range.

5. Do the regulations provide a reasonable opportunity for subsistence use? This is a board determination.

6. Is it necessary to reduce or eliminate other uses to provide a reasonable opportunity for subsistence use? This is a board determination.

PROPOSAL 169: 5AAC 77.666. PERSONAL USE TANNER CRAB FISHERY, 5AAC 47.035. METHODS, MEANS, AND GENERAL PROVISIONS–SHELLFISH.

PROPOSED BY: Alaska Department of Fish and Game.

WHAT WOULD THE PROPOSAL DO? It would result in a closure of the Tanner crab sport and personal use fisheries for two weeks from June 16 to 30 in order to prevent prospecting for red or blue king crab and better facilitate enforcement immediately prior to the red and blue king crab personal use season.

WHAT ARE THE CURRENT REGULATIONS?

5AAC 77.666. Personal use Tanner crab fishery. In the personal use taking of Tanner crab

(1) there is no closed season;

(2) the daily bag and possession limit is 30 male Tanner crab;

(3) notwithstanding 5 AAC 77.010(i), no more than four pots per vessel may be used to take Tanner crab;

(4) only male Tanner crab 5.5 inches or greater in width of shell may be taken or possessed;

(5) male Tanner crab less than the minimum legal size and female Tanner crab that have been taken must be immediately returned unharmed to the sea;

(6) a person may not utilize live holding facility to accumulate or pool multiple bag limits.

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

(11) Dungeness and Tanner crab, in combination: may be taken from January 1 to December 31; bag and possession limit of five crab; no annual limit; only make crab may be taken; size limits, as follows:….

WHAT WOULD BE THE EFFECTS IF THE PROPOSAL IS ADOPTED? The sport and personal use Tanner crab seasons will be closed for two weeks from June 16 to 30. The proposal, if passed, would allow for a "fair start" for the very popular red king crab personal use fishery beginning July 1.

BACKGROUND: There is currently no closed season for personal use or sport Tanner crab fisheries in Southeast Alaska. The personal use red king crab fishery has a three month closure (April 1–June 30) in order to protect the stock from overhandling during the molting and mating period. There is no sport fishery for king crab in Southeast Alaska. There is no way to differentiate between pots used for red king and Tanner crab personal use harvest, which effectively allows for potential prospecting and stockpiling of red king crab prior to the red king crab season opening, under the guise of personal use or sport Tanner crab fishing. If adopted, this proposal would facilitate enforcement of the red king crab personal use fishery opening on July 1.

The Statewide Harvest Survey provides information on sport and personal use Tanner crab harvest in Southeast Alaska. It is estimated that Tanner crab sport harvest (non-residents) has ranged from a low of 43 crabs in 1998 to 424 crabs in 1999, while residents fishing under personal use regulations were estimated to have ranged from 919 crabs in 2002 to 8,108 crabs in 1997 (Table 169-1). Similar estimates from the Statewide Harvest Survey for personal use king crab do not differentiate between the three species commonly harvested in Southeast Alaska (red, blue and golden) and for this reason are not listed.

DEPARTMENT COMMENTS: The department submitted and **SUPPORTS** this proposal. Although there may be allocative aspects associated with this proposal the issue of potential unfair early start, prospecting, and stockpiling of red king crab is of serious concern, particularly in the Juneau area. A two-week closure would allow for a fair start to the red king crab personal use fishery, making the start date for that fishery much easier to enforce.

COST ANALYSIS: This proposal is not expected to result in additional direct cost for the private person to participate.

Table 169-1–Statewide Harvest Survey estimates for numbers of Tanner crab harvested in the Southeast Alaska sport and personal use fisheries, 1997–2006.

Season	Sport (non-residents)	Personal use (Alaska residents)
1997	257	8,108
1998	43	3,341
1999	424	4,924
2000	155	4,394
2001	106	3,790
2002	168	919
2003	148	4,087
2004	295	2,640
2005	290	2,009
2006	84	1,054
Average	197	3,527

PROPOSAL 170: 5 AAC 47.020. GENERAL PROVISIONS FOR SEASONS AND BAG, POSSESSION, ANNUAL, AND SIZE LIMITS FOR THE SALT WATERS OF THE SOUTHEAST ALASKA AREA; AND 5AAC 77.666. PERSONAL USE TANNER CRAB FISHERY.

PROPOSED BY: Southeast Alaska Fishermen's Alliance.

WHAT WOULD THE PROPOSAL DO? It would result in regulation changes shortening the Tanner crab sport and personal use fisheries by 1 week in order to prevent prospecting for red or blue king crab and better facilitate enforcement immediately prior to red and blue king crab season.

WHAT ARE THE CURRENT REGULATIONS? 5AAC 77.666. Personal use Tanner crab fishery. In the personal use taking of Tanner crab

(1) there is no closed season;

(2) the daily bag and possession limit is 30 male Tanner crab;

(3) notwithstanding 5 AAC 77.010(i), no more than four pots per vessel may be used to take Tanner crab;

(4) only male Tanner crab 5.5 inches or greater in width of shell may be taken or possessed;

(5) male Tanner crab less than the minimum legal size and female Tanner crab that have been taken must be immediately returned unharmed to the sea;

(6) a person may not utilize live holding facility to accumulate or pool multiple bag limits.

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

(11) Dungeness and Tanner crab, in combination: may be taken from January 1 to December 31; bag and possession limit of five crab; no annual limit; only make crab may be taken; size limits, as follows:….

WHAT WOULD BE THE EFFECTS IF THE PROPOSAL IS ADOPTED? The sport and personal use Tanner crab seasons will be closed for one week. The proposal, if passed, would allow for a "fair start" for the very popular red king crab personal use fishery beginning July 1.

BACKGROUND: This proposal is similar to Proposal 169 put forth by the department. The department has heard many complaints from red king crab personal use fishermen that some participants get an early start on their red king crab personal use harvest by setting personal use pot under Tanner crab regulations in April, May, or June. Since there is no definition of a red king crab pot, some harvesters may be targeting red king crab under the guise of Tanner crab personal use fishing.

The Statewide Harvest Survey provides information on sport and personal use Tanner crab harvest in Southeast Alaska. It is estimated that Tanner crab sport harvests (non-residents) have ranged from a low of 43 crabs in 1998 to 424 crabs in 1999, while resident anglers fishing under personal use were estimated to have ranged from a low of 919 crabs in 2002 to a high of 8,108

crabs in 1997 (Table 170-1). Similar estimates from the Statewide Harvest Survey for personal use king crab do not designate between the three species commonly harvested in Southeast Alaska (red, blue and golden) and for this reason are not listed.

DEPARTMENT COMMENTS: The department is **NEUTRAL** on this proposal, but supports the intent of the proposal. This proposal is similar to Proposal 169, a proposal submitted and supported by the department, that instead shortens the personal use and sport Tanner crab fisheries by two weeks.

COST ANALYSIS: This proposal is not expected to result in additional direct cost for the private person to participate.

Table 170-1–Statewide Harvest Survey estimates for numbers of Tanner crab harvested in the Southeast Alaska sport and personal use fisheries, 1997–2006.

Season	Sport (non-residents)	Personal Use (AK residents)
1997	257	8,108
1998	43	3,341
1999	424	4,924
2000	155	4,394
2001	106	3,790
2002	168	919
2003	148	4,087
2004	295	2,640
2005	290	2,009
2006	84	1,054
Ten year average	197	3,527

PROPOSAL 171: **5AAC 77.664 (b) (1). PERSONAL USE KING CRAB FISHERY**.

PROPOSED BY: Jon M. Shennett.

WHAT WOULD THE PROPOSAL DO? Current regulations already allow the personal use red king crab season to open starting on July 1. The proposal would create no effective change in management of the fishery.

WHAT ARE THE CURRENT REGULATIONS?

5 AAC 77.664 Personal use king crab fishery.

(a)(2) In the waters east of the longitude of Cape Spencer (136° 39.50' W. long.),

(A) red and blue king crab may be taken only from July 1 through March 31 and there is no closed season for golden king crab;

WHAT WOULD BE THE EFFECTS IF THE PROPOSAL IS ADOPTED? Since the proposal requests something that already exists in current regulations, adopting this proposal would have no effect.

BACKGROUND: The current red king crab personal use season of July 1–March 31 has been in regulation since the late 1970s. The season was established to protect red king crab during sensitive mating and molting periods during April–June.

The department assesses the red king crab stock in the Hoonah Sound area annually and determines whether the stock can withstand harvest. If the department's analysis determines that harvest is appropriate, the harvest rate may be set at the maximum of 20% of mature male biomass, or at a reduced rate of 10% of mature male biomass. If the maximum harvest rate is used, the personal use season would typically open on July 1st for the entire season. However, when a reduced harvest rate is used, the department has, in the past, reduced the season length by delaying the start date by emergency order to allow some level of harvest, but effect a meaningful reduction in effort and harvest. Truncated seasons that begin on July 1 allow potential high effort during summer months and risk of exceeding the sustainable harvest rate. Currently, other than reductions in season length, the department has no means to reduce personal use effort and harvest to stay within sustainable harvest limits.

Another factor influencing recent season start dates of the personal use fishery is that once an area has been closed it remains closed until results of the stock assessment are available, which is not until early fall. If the department estimates a harvestable surplus for the area, those results are not known until after the July 1 season opening date. Opening on July 1 is possible during those years when the prior year's survey indicated a healthy population.

Table 171-1 lists the season start and end dates for the past ten years in the Hoonah Sound area.

DEPARTMENT COMMENTS: The department is **NEUTRAL** on the proposal as written since there would be no effective change to management of the fishery. The department opposes this proposal if the intent is to require the fishery to open on July 1 regardless of red king crab stock status in the area. If the intent of the proposal is to restrict the personal use fishery to summer months only, under those circumstances, when reduced harvest rates are appropriate, the department would likely open the personal use fishery less frequently or for shorter durations to ensure harvest does not exceed harvest targets.

COST ANALYSIS: This proposal is not expected to result in additional direct cost for the private person to participate.

Table 171-1–Red king crab personal use fishery open and close dates in Hoonah Sound.

Season	Fishery start date	Fishery close date
1999/00	Closed	Closed
2000/01	Closed	Closed
2001/02	September 6*	March 31
2002/03	July 1**	March 31
2003/04	Closed	Closed
2004/05	Closed	Closed
2005/06	November 1	March 31
2006/07	November 1	March 31
2007/08	Closed	Closed
2008/09	Closed	Closed

*Season opened in Deadman Reach and Ushk Bay, Rodman Bay closed

** Rodman Bay closed

PROPOSAL 172: **5AAC 77.614. PERSONAL USE KING CRAB FISHERY.**

PROPOSED BY: Alaska Department of Fish and Game.

WHAT WOULD THE PROPOSAL DO? The proposal seeks to reduce the personal use king crab season in the Yakutat area from year round to July 1 to March 31.

WHAT ARE THE CURRENT REGULATIONS?

5 AAC 77.614 Personal use king crab fishery. In the personal use taking of king crab

(1) there is no closed season

5 AAC 02.120 Subsistence king crab fishery. In the subsistence taking of king crab

(3) in the districts described in 5 AAC 30.200

(A) red and blue king crab may not be taken from April 1 through June 30;

5 AAC 77.664. Personal use king crab fishery. Except as provided in (b) and (c) of this section, in the personal use taking of king crab,

(2) in the waters east of the longitude of Cape Spencer (136° 39.50' W. long.),

(A) red and blue king crab may be taken only from July 1 through March 31…

WHAT WOULD BE THE EFFECTS IF THE PROPOSAL IS ADOPTED? If adopted, this proposal would align all red and blue king crab personal use and subsistence fishery seasons in Southeast Alaska and Yakutat areas. There would be an April 1 – June 30 closure for all fisheries.

BACKGROUND: Red king crabs are known to mate and molt during the period April 1 through June 30. This is a sensitive phase, during which crabs are more vulnerable to handling mortality and leg loss. With the exception of the Yakutat personal use king crab season, in Southeast Alaska and Yakutat, all subsistence, personal use, and commercial red and blue king crab seasons avoid this period. Current regulations specify no closed season for personal use harvest of king crabs in the Yakutat area, making it the only red/blue king crab fishery where harvest during the mating/molting is permitted.

DEPARTMENT COMMENTS: The department submitted and **SUPPORTS** this proposal. Although a seasonal closure is requested that could impact harvesters, this is considered by the department to be primarily a housekeeping proposal since all other red/blue king crab personal

use and subsistence fisheries in registration areas A (Southeast) and D (Yakutat) have the three month closure (April – June) to protect stocks during mating and molting.

COST ANALYSIS: This proposal is not expected to result in additional direct cost for the private person to participate.

PROPOSAL 173: 5AAC 34.111(b)(4). SECTION 11-A RED AND BLUE KING CRAB MANAGEMENT AND ALLOCATION PLAN.

PROPOSED BY: Petersburg Vessel Owners Association.

WHAT WOULD THE PROPOSAL DO? If adopted, the proposal would repeal 5 AAC 34.111 (b)(4) and eliminate the reallocation of the Section 11-A commercial guideline harvest level to the personal use fishery in years when the commercial fishery is not opened.

WHAT ARE THE CURRENT REGULATIONS?

5 AAC 34.111 Section 11-A Red and Blue King Crab Management and Allocation Plan.

(b) When managing red and blue king crab in Section 11-A, the board authorizes the department to conduct the personal use and commercial fisheries according to the following allocation plan:

(1) personal use fishery from July 1 through September 30 (summer season) – 50 percent of the red king crab guideline harvest level;

(2) personal use fishery from October 1 through March 31 (winter season) – 10 percent of the red king crab guideline harvest level;

(3) commercial fishery – 40 percent of the red king crab guideline harvest level when the general season is open under 5 AAC 34.110;

(4) the allocation percentages for the personal use fishery under this subsection will increase proportionally if the general commercial season is closed under 5 AAC 34.113(c) as follows:

(A) the allocation percentages for the summer season under (1) of the subsection will increase to 80 percent; and

(B) the allocation percentage for the winter season under (2) of this subsection will increase to 20 percent.

5 AAC 34.113 Southeast Alaska Red King Crab Management Plan.

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

WHAT WOULD BE THE EFFECTS IF THE PROPOSAL IS ADOPTED? The Section 11-A red king crab allocation would be such that the personal use fishery would receive 60% of the legal male Guideline Harvest Level (GHL) and commercial fishery 40% of the GHL, both during years when a commercial fishery is permitted and during years when the commercial season is closed. If the commercial season is not opened and the personal use fishery is opened in Section 11-A, the personal use allocation will remain at 60% of the GHL and the other 40% of the GHL will remain unharvested. The overall effect would be that the long-term harvest rate would be less than the level which is expected to be sustainable.

BACKGROUND: The Alaska Board of Fisheries initiated a management and allocation plan for red king crab in Section 11-A, beginning with the 1996/1997 season. Commercial Fishing Regulation 5 AAC 34.111 allocated 45% of the available harvest to the commercial fishery with a season from November 1 until closed by emergency order, 46%to the summer personal use fishery from July 1 to September 30, and 9% to the winter personal use fishery from October 1 to March 31. One of the reasons the board separated personal use allocation into summer and winter seasons was to provide crab for dive fishermen who traditionally harvest during the winter when crab migrate into shallow waters. This allocation plan was revised in March of 1999 to an allotment of 40%, 50%, and 10% of the available harvest to the commercial, summer personal use, and winter personal use fisheries respectively. The entire commercial fisheries share was to be reallocated to the personal use fishery if the regionwide commercial fishery was not opened (5 AAC 34.111 Section 11-A Red and Blue King Crab Management and Allocation Plan (b)(4)).

The department estimates the legal male biomass annually in Section 11-A, as well as the rest of Southeast Alaska, and determines the stock status for each survey area to determine an appropriate harvest rate and guideline harvest level. A three tiered harvest strategy is used, with harvest rates set at 0, 10, or 20% of the mature male biomass or a maximum of 50% of legal male biomass respectively for "poor," "moderate" or "good" stock status. The maximum of 20% of mature male biomass used here is less conservative than the 15% of mature male biomass employed in the Bristol Bay red king crab fishery, although both areas use the alternate maximum of 50% of legal. There are no other red king crab fisheries currently open in Alaska.

The department sums estimates of available harvest for all survey areas and then expands the value to include areas in the region that are not surveyed. By regulation, a commercial fishery may be permitted if the department's estimate of available harvest for the entire region meets or exceeds a 200,000-pound threshold. There is no established threshold that must be met to conduct a personal use fishery. Therefore, personal use fisheries may be conducted during years when there is insufficient available harvest for a commercial fishery. Under this scenario in Section 11-A, by regulation, the entire estimate of available harvest is allocated to the personal use fishery. An exception would be that personal use harvest is closed in areas where the stock status is determined to be poor; for the 2006/07 and 2007/08 seasons, Section 11-A fell into this category.

DEPARTMENT COMMENTS: The department is **NEUTRAL** on this allocative proposal. If available red king crab harvest remained unharvested in Section 11-A, the stock there would be expected to grow at a faster rate because the overall harvest rate would be less than what is considered sustainable. However, the current harvest rate determination methods are believed to account for concerns regarding long-term sustainability, and considered to be adequate protection from overharvest and recruitment failure.

COST ANALYSIS: This proposal is not expected to result in additional direct cost for the private person to participate.

Table 173-1–Total allowable harvest, allocations, and estimated harvest of red and blue king crab in number of crab for the personal use and commercial fisheries of Section 11-A, Southeast Alaska, Registration Area A.

	Commercial fishery		Summer personal use fishery		Winter personal use fishery		Total allowable harvest	
Season	Allocation	Estimated harvest	Allocation	Estimated harvest	Allocation	Estimated harvest	Goal	Estimated harvest
1996/1997[a]	3,825	2,842	3,900	5,693	765	1,296	8,490	9,831
1997/1998[a]	3,750	2,830	3,800	5,567	750	823	8,300	9,220
1998/1999[a]	6,533	0	6,678	5,392	1,307	1,575	14,518	6,967
1999/2000	4,964	11,173	6,200	6,813	1,241	2,181	12,405	20,167
2000/2001	4,140	0	5,176		1,035			0
2000/2001 Reallocation[b]	**0**	**0**	**8,626**	**6,724**	**1,725**	**2,731**	**10,351**	**9,455**
2001/2002	7,189	8,525	8,986	7,199	1,797	2,412	17,972	18,136
2002/2003	4,503	5,165	5,600	7,322	1,100	1,754	11,203	14,241
2003/2004	6,462	6,987	8,078	10,624	1,616	1,339	16,156	18,950
2004/2005	3,868	0	4,836		967			0
2004/2005 Reallocation[b]	**0**	**0**	**7,737**	**8,682**	**1,934**	**1,496**	**9,671**	**10,178**
2005/2006	7,161	7,079	8,952	9,179	1,790	1,227	17,903	17,485
2006/2007	1,720	0	2,149		430			0
2006/2007 Reallocation[b]	**0**	**0**	**3,439**	**6,961**	**860**	**557**	**4,299**	**7,518**
2007/2008	0	0	0	2,541	0	0	0	2,541
2008/2009	0	0	0	0	0	0	0	0

[a] Allocation guidelines established by Board of Fisheries in October 1995 as 45% Commercial, 46% Summer Personal Use, and 9% Winter Personal Use.

[b] Allocation guidelines revised by Board of Fisheries in March 1999 as 40% Commercial, 50% Summer Personal Use, and 10% Winter Personal Use. If there is no commercial fishery, total allowable harvest is reallocated to personal use fisheries as 80% summer and 20% Winter Personal Use.

PROPOSAL 174: 5AAC 34.111. RED AND BLUE KING CRAB MANAGEMENT AND ALLOCATION PLAN.

PROPOSED BY: Territorial Sportsmen, Inc.

WHAT WOULD THE PROPOSAL DO? The proposal would do two things: 1) eliminate provisions for allocating red king crab to the commercial fishery in Section 11-A and allocate the entire available harvest to the personal use fishery, and 2) change allocations for summer and winter personal use from an 80%–20% split, respectively, to a 90%–10% split.

WHAT ARE THE CURRENT REGULATIONS?

5 AAC 34.111. Section 11-A Red and Blue King Crab Management and Allocation Plan.

(a) The Board of Fisheries (board) find that there exists strong competing demands between the personal use and commercial user groups for red and blue king crab in Section 11-A of the Southeastern Alaska Area. The board finds that personal use of red and blue king crab in the Juneau area is a historical use, that this use has grown in recent years concurrent with the growth of the king crab population in Section 11-A, and that there are both summer and winter components to the personal use fishery. The board also finds that commercial use of red and blue king crab in Section 11-A is historical, economically important, and should be maintained.

(b) When managing red and blue king crab in Section 11-A, the board authorizes the department to conduct personal use fisheries according to the following allocation plan:

(1) personal use fishery from July 1 through September 30 (summer season) – 50 percent of the red king crab guideline harvest level;

(2) personal use fishery from October 1 through March 31 (winter season) – 10 percent of the red king crab guideline harvest level;

(3) commercial fishery – 40 percent of the red king crab guideline harvest level when the general season is open under 5 AAC 34.110;

(4) the allocation percentages for the personal use fishery under this subsection will increase proportionally if the general commercial season is closed under 5 AAC 34.113(c) as follows:

(A) the allocation percentage for the summer season under (1) of the subsection will increase to 80 percent; and

(B) the allocation percentage for the winter season under (2) of this subsection will increase 20 percent.

WHAT WOULD BE THE EFFECTS IF THE PROPOSAL IS ADOPTED? When available red king crab harvest is identified in Section 11-A, the personal use fishery would benefit from a higher proportion of harvest than is currently allowed, and participants in the commercial fishery would lose harvest opportunity. Removal of the Section 11-A commercial allocation from the

department's regional estimate of available commercial harvest may substantially reduce the frequency of years where the regional commercial guideline harvest level (GHL) meets or exceeds the 200,000-pound threshold necessary for a commercial fishery.

BACKGROUND: The Alaska Board of Fisheries initiated a management and allocation plan for red king crab in Section 11-A beginning with the 1996/1997 season. Commercial fishing regulation 5 AAC 34.111 allocated 45% of the available harvest to the commercial fishery with a season from November 1 until closed by emergency order, 46% to the summer personal use fishery from July 1 to September 30, and 9% to the winter personal use fishery from October 1 to March 31. One of the reasons the board separated the personal use allocation into summer and winter seasons was to provide crab for dive fishermen who traditionally harvest during the winter when crab migrate into shallow waters. This allocation plan was revised in March of 1999 to an allotment of 40%, 50%, and 10% of the available harvest to the commercial, summer personal use, and winter personal use fisheries respectively. The entire commercial fisheries share was to be reallocated to the personal use fishery if the regionwide commercial fishery was not opened (5 AAC 34.111, Section 11-A Red and Blue King Crab Management and Allocation Plan (b)(4)).

The department estimates the legal male biomass annually in Section 11-A, as well as in the rest of Southeast Alaska, and determines the stock status for each survey area to determine an appropriate harvest rate and guideline harvest level. A three tiered harvest strategy is used, with harvest rates set at 0, 10, or 20% of the mature male biomass or a maximum of 50% of legal male biomass respectively for "poor," "moderate" or "good" stock status. The maximum of 20% of mature male biomass used here is less conservative than the 15% of mature male biomass employed in the Bristol Bay red king crab fishery, although both areas use the alternate maximum of 50% of legal male biomass. There are no other red king crab fisheries currently open in Alaska.

The department combines estimates of available harvest for all survey areas and then expands the value to include areas in the region that are not surveyed. By regulation, a commercial fishery may be permitted if the department's estimate of available harvest for the entire region meets or exceeds a 200,000 pound threshold. There is no established threshold that must be met to conduct a personal use fishery.

The Section 11-A commercial component has contributed on average 15% to the regional commercial GHL, but this proportion has increased recently and averaged 25% over the 5 seasons from 2003/04 to 2007/08; loss of this component would have resulted in 2 additional closed commercial seasons over this period. These are shown in bold in Table 174-1 below.

DEPARTMENT COMMENTS: The department is **NEUTRAL** on this allocative proposal. The proposal's intent with regard to allocation of the personal use fishery is unclear. Although not explicitly stated in the proposal, it is presumed that a 90%–10% allocation split is requested for summer and winter fisheries. If instead the intent is to allocate 90% of the available harvest in Section 11-A to the personal use fishery and leave the remaining 10% unharvested, then the stock may have greater potential to build slowly over the long-term as the harvest rate would effectively be reduced.

For information on when the Section 11-A red king crab harvest was reallocated to the personal use fisheries refer to Table 173-1.

COST ANALYSIS: This proposal is not expected to result in additional direct cost for the private person to participate.

Table 174-1–Harvestable surplus in Section 11-A since the implementation of the Section 11-A Red King Crab Management Plan, 1995/96–2007/08 commercial seasons.

			Commercial, regionwide (lbs)				Commercial, Section 11-A (lbs)	
Season	Mature biomass estimate	Threshold	Harvest-able surplus	Harvest-able surplus w/out Section 11-A	GHL	Harvest	Harvestable surplus	Proportion of harvest
1994/95	2,177,345	300,000	300,000	300,000	300,000	256,267	NA	
1995/96	2,522,357	300,000	300,000	300,000	300,000	357,815	NA	
1996/97	2,245,783	300,000	397,000	375,000	397,000	428,549	22,000	6%
1997/98	1,808,003	300,000	322,000	295,400	300,000	308,322	26,600	8%
1998/99	1,716,094	300,000	265,000	265,000	0	0	0	0%
1999/00	1,858,292	300,000	342,000	306,000	342,000	289,548	36,000	11%
2000/01	1,781,331	300,000	183,000	183,000	0	0	0	0%
2001/02	1,945,853	300,000	302,000	249,353	302,000	296,967	52,647	17%
2002/03	1,902,141	200,000	250,000	217,036	250,000	233,630	32,964	13%
2003/04	1,722,920	200,000	225,000	177,764	225,000	193,759	47,236	21%
2004/05	1,424,582	200,000	80,505	50,812	0	0	29,693	37%
2005/06	1,398,546	200,000	200,000	152,744	200,000	209,799	47,256	24%
2006/07	1,266,107	200,000	81,552	53,212	0	0	28,340	35%
2007/08	1,076,892	200,000	22,323	22,323	0	0	0	0%

PROPOSAL 175: 5AAC 34.113. SOUTHEAST ALASKA RED KING CRAB MANAGEMENT PLAN.

PROPOSED BY: Roger Gregg.

WHAT WOULD THE PROPOSAL DO? Replace the Southeast Alaska red king crab harvest rate and threshold fishery management approach currently specified in regulation with a set commercial season length of seven days.

WHAT ARE THE CURRENT REGULATIONS?

5 AAC 34.113. Southeast Alaska Red King Crab Management Plan.

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

(b) The department shall close an area if the abundance of various sizes of male and female crabs in inadequate to provide for a sustained harvest, or when potentially high effort precludes an orderly fishery.

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

(d) The department shall determine an appropriate harvest rate before the opening of the fishery. The harvest rate is the percentage of the legal males that can be harvested while providing for the long-term reproductive viability of red king crab stocks. The department shall base the harvest rate on estimates of abundance of the various size classes of male and female crabs, and on factors affecting the reproductive viability of the stock.

(e) The department shall determine the guideline harvest level before each fishing season. The guideline harvest level is the sum of the estimates of sustainable harvest for each fishing district. If stock assessment data are not available, the guideline harvest level will be based on historical fishery performance, catch, and population information. A lack of adequate information will result in conservative management.

5 AAC 34.120. Size Limits for Registration Area A. In Registration Area A, only male king crab seven inches or greater in width of shell may be taken or possessed

WHAT WOULD BE THE EFFECTS IF THE PROPOSAL IS ADOPTED? The Southeast Alaska red king fishery would be managed by using a set season length, independent of population size, fluctuations, harvest rate, age class composition, or productivity.

BACKGROUND: Separate red and golden king crab fisheries were recognized with adoption of distinct seasons and quotas in 1971. From 1971 through the 1978/79 season, the red king crab quotas, guideline harvest ranges (GHRs), or guideline harvest levels (GHLs) were based upon

historic harvest and limited size distribution data obtained through dockside sampling. The first red king crab quota was set in 1971 at 400,000 pounds per season. This was increased to 600,000 pounds in1974, and then reduced to 400,000 pounds in 1997.

Quotas were replaced by GHRs after 1977. The first GHR of 200,000 to 400,000 pounds was established in 1978. The GHR was increased to 300,000 to 600,000 pounds in 1979 based on industry recommendations. Since the 1980/81 season, allowable catches, expressed as either GHLs or GHRs, have been based on results from the red king crab index of abundance survey. The available harvest surplus is currently computed using a harvest rate approach. Beginning in 1988 a threshold of 300,000 pounds of surplus legal sized crab had to be available before the commercial fishery would be opened. In 2002 this threshold was reduced to 200,000 pounds by the Board in response to an industry proposal.

At the 1993 statewide shellfish meeting, the Board adopted a comprehensive management plan for red king crab in Southeast Alaska. This management plan was designed to be consistent with the Board's policy on King and Tanner Crab Resource Management, adopted by the board in March of 1990. Major elements of the plan include:

1. Provisions to maintain an adequate abundance of various size classes of males and females necessary to provide for sustained harvests and stock conservation;
2. Application of a harvest rate based on both legal and mature males;
3. A guideline harvest level based on stock conditions for each fishing district;
4. A minimum harvest threshold of legal males;
5. Conduct of an orderly fishery; and
6. Conservative management when information is lacking.

In light of this management plan (further refined in 1996 to include a separate allocation plan for Section 11-A), the department currently sets GHLs for the commercial fishery based on population size of mature males and overall population stock status. Surveys are conducted in nine areas in Southeast Alaska that are or have been considered to be the primary commercial fishery grounds.

In response to industry concerns regarding the validity of the department's red king crab survey project, an independent review was conducted in 2005. In cooperation with the Southeast Alaska King and Tanner Crab Task Force, the Alaska Department of Fish and Game assembled an expert panel to review the Southeast Alaska red king crab stock assessment program. Panelists were Professor Terrance Quinn (chair), Mr. Timothy Koeneman, and Professor Thomas Shirley. The results of the independent review were presented in a final report (Special Publication No. 06-12). In summary the review team stated "…that the overall architecture of the survey and stock assessment of red king and Tanner crabs in Southeast Alaska is sound…" The review team did share industry concerns over various aspects of the survey and they specifically recommended the department improve communication mechanisms. In partial response to the recommendation to improve communications between industry and the department, the department submitted a request to the Board for a venue and cycle change for consideration of Southeast king and Tanner crab regulatory proposals. Historically, Southeast Alaska king and Tanner crab proposals were considered by the Board during statewide meetings, usually in Anchorage. Public participation by Southeast Alaska permit holders was limited due to travel costs associated with those meetings. By moving the consideration of Southeast Alaska king and

Tanner proposals to meetings in Southeast Alaska it is hoped that public participation will be facilitated and the increased communication recommendation can be addressed. Also, based on the independent review, the department has adopted a more transparent communication of red king and Tanner crab survey results. Survey results are summarized for review by the King and Tanner Task Force and by the public at large. These survey results are provided prior to commercial fisheries so permit holders have the information necessary to target abundances of legal male crab.

DEPARTMENT COMMENTS: The department **OPPOSES** this proposal. By designating a regionwide set season length of 7 days, no consideration would be given to whether the population could withstand the annual exploitation. Although seasons in past years have far exceeded 7 days, the fishing capacity of the modern fleet allows it to achieve the target harvest rate (20% of mature male biomass) in a much shorter time period. The current management approach provides harvest levels in proportion to the population level and to the overall stock status as well as providing for commercial and personal use closures in areas with "poor" stock status. Eliminating this approach in favor of a set season with unquantifiable effort and harvest rate would rely solely on the size limit and male-only harvest to protect the stock during times of low population level and low recruitment to maintain reproductive viability and would provide no additional measures of protection to areas with poor stock status.

Since the management plan was adopted in 1993, fishery season lengths have varied from 2.8 to nineteen days (Table 175-1). In the same time period, there were six years when the regionwide threshold for a commercial fishery was not met and the commercial season was not opened as described in regulation. Setting the season at a constant seven days would likely increase the overall harvest rate beyond what is considered sustainable and increase the risk of overharvest, especially in those years when the stock cannot support a commercial fishery.

COST ANALYSIS: This proposal is not expected to result in additional direct cost for the private person to participate.

Table 175-1–Season lengths, commercial effort from logbook data, and regional mature harvest rates (HR) in surveyed areas (commercial+ Section 11-A personal use) for the Southeast Alaska commercial red king crab fishery.

Season	Length of Fishery (days), in:			Mature Male HR	Management Approach
	Section 11-A	Survey areas	Non-survey areas		
1975/76	————153 for all areas————			--	Quota for 1975/76 to 1977/78, based on historical harvest and size distribution data
1976/77	————153 for all areas————			--	
1977/78	————153 for all areas————			--	
1978/79	————130 for all areas————			--	GHR for 1978/79 and 1979/80, based on historic harvest and size distribution data
1979/80	————109 for all areas————			--	
1980/81	————115 for all areas————			--	GHLs or GHRs for 1980/81 to 1992/93, based on results of abundance survey
1981/82	———— 61 for all areas————			--	
1982/83	———— 20 for all areas————			--	
1983/84	———— 11 for all areas————			--	
1984/85	———— 7 for all areas————			--	
1985/86	———— 0 for all areas————			--	
1986/87	———— 0 for all areas————			--	
1987/88	———— 0 for all areas————			--	
1988/89	———— 0 for all areas————			--	
1989/90	———— 0 for all areas————			--	
1990/91	———— 0 for all areas————			--	
1991/92	———— 0 for all areas————			--	
1992/93	———— 0 for all areas————			--	
1993/94	8	Pybus: 0 Port Frederick:0 Rest:15	15	0.14	GHLs for 1993/94 to 2008/2009 based on annual estimates of mature male biomass
1994/95	17	17	17	0.14	
1995/96	4	16	16	0.20	
1996/97	10	19	19	0.28	
1997/98	11	Pybus: 4 Gambier: 8 Rest:12	12	0.22	
1998/99	0	0	0	0.05	
1999/00	9	Rodman: 0 Deadman: 0 Pybus: 4 Gambier: 8 Rest:12	12	0.20	
2000/01	0	0	0	0.05	

Table 175-1–continued (page 2 of 2)

Season	Length of Fishery (days), in:			Mature Male HR	Management Approach
	Section 11-A	Survey areas	Non-survey areas		
2001/02	5	Rodman: 0 Peril: 6 Seymour: 6 Rest:11	11	0.19	GHLs for 1993/94 to 2008/2009 based on annual estimates of mature male biomass
2002/03	3	Rodman: 0 Peril: 6 Seymour: 6 Rest: 7	7	0.18	
2003/04	3	Peril Strait: 0 Port Frederick: 0 Seymour Canal:3 Rest: 4	4	0.20	
2004/05	0	0	0	0.08	
2005/06	12	Port Frederick: 0 Seymour: 0 Rest: 3	12	0.19	
2006/07	0	0	0	0.00	
2007/08	0	0	0	0.00	
2008/09	0	0	0	0.00	

PROPOSAL 176: **5AAC 77.664. PERSONAL USE KING CRAB FISHERY.**

PROPOSED BY: Alaska Department of Fish and Game.

WHAT WOULD THE PROPOSAL DO? This proposal would accomplish three things: 1) provide the department flexibility to alter personal use red and blue king crab bag limits in proportion to stock levels and stock status, 2) align the personal use red king crab season in District 16 with the rest of Southeast Alaska, and 3) create a two-week closure of the personal use golden king crab fishery prior to the start of the personal use red and blue king crab fishery.

WHAT ARE THE CURRENT REGULATIONS? **5 AAC 77.664. Personal Use king crab fishery.** Current Southeast Alaska personal use king crab regulations allow for bag and possession limits east of Cape Spencer, outside of Sections 11-A, 12-B, 15-B, and 15-C, of six king crab per day. In Sections 11-A, 12-B, 15-B, and 15-C, the bag and possession limit is 3 king crab per day.

There is no closed season for personal use king crab in District 16.

There is no closed season for personal use golden king crab in Southeast Alaska.

WHAT WOULD BE THE EFFECTS IF THE PROPOSAL IS ADOPTED? There would be three effects: 1) as an alternative to closing the personal use red king crab fishery outside of sections 11-A, 12-B, 15-B, and 15-C during years of low abundance or stock status, the department would consider opening the fishery at a bag limit less than 6 crabs to allow some harvest opportunity; 2) the personal use red and blue king crab seasons would be consistent among all districts in Southeast Alaska, providing protection to crabs during the sensitive molting/mating season and leading to less confusion about different seasons; and 3) improved enforcement of the season opening of the Southeast Alaska red and blue king crab personal use fishery by removing the potential for using the guise of personal use golden king crab fishing to set pots for red and blue king crab prior to the season start.

BACKGROUND: Current regulations allow a personal use bag and possession limit of 6 king crab in most areas of the Southeast Alaska region when the fisheries are open. Exceptions to this include the Juneau area (Section 11-A) and surrounding sections, including Sections 12-B, 15-B, and 15-C, where the bag and possession limit is 3 king crab. The department may adjust the bag limit in Section 11-A under authority of a permit (5 AAC 77.664(c)(5)); however, for other areas, the department only has the authority to either open areas to the full bag limit, limit season length, or close areas. The department has closed areas within the region or reduced season length to limit harvest during years when stock status concerns were present.

District 16 is part of the Southeast Alaska region; however, current regulations define Cape Spencer, which is within the Southeast Alaska region, as a boundary for personal use king crab seasons. West of Cape Spencer there is no closed season and east of Cape Spencer the season is July 1–March 31. The period during April 1–June 30 is a sensitive molting/mating period for red

king crab. No information exists to suggest that the molting/mating period in District 16 differs from the rest of Southeast Alaska.

The red and blue king crab personal use season starts July 1st. It is unlawful to hold crab in a live holding facility or pool multiple bag limits; however, it is possible that pots are set prior to the July 1st start to attempt this, or to take red and blue king crab prior to July 1st. Apart from a distinct escape ring size requirement for pots targeting all species of king crab, there is no other definition of red and blue king crab pots or golden king crab pots in regulation.

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

Additional flexibility to adjust red and blue king crab personal use bag limits downward from 6 would give the department more options to allow harvest opportunity to fluctuate in proportion to stock size and health. Since current regulations limit the department's ability to scale down harvest during periods of moderate to low abundance, area or regionwide closures have occurred to protect reproductive viability of stocks. The red and blue king crab personal use fishery was closed regionwide for the 2007/2008 and 2008/2009 seasons due to concerns of stock health based on annual survey results.

Alignment of the red and blue king crab personal use season in District 16 with the rest of Southeast Alaska will ensure some protection during the molting and mating season and could eliminate potential confusion regarding when seasons are open in adjacent areas.

Currently, a year-round golden king crab season creates a potential loophole, which reduces enforceability of red and blue king crab personal use season start and multiple bag limit regulations, because gear may be legally deployed prior to July 1st if targeting golden king crab. Although golden king crab habitat is generally deeper than red and blue king crab, there is overlap, so depth is not a clear indication of the target species.

COST ANALYSIS: This proposal is not expected to result in additional direct cost for the private person to participate.

PROPOSAL 177: 5AAC 34.115. GUIDELINE HARVEST RANGES FOR REGISTRATION AREA A.

PROPOSED BY: Southeast King and Tanner Crab Task Force.

WHAT WOULD THE PROPOSAL DO? Increase the upper end of the guideline harvest ranges for four of seven golden king crab management units in Southeast Alaska.

WHAT ARE THE CURRENT REGULATIONS?

5 AAC 34.115. Guideline harvest ranges for Registration Area A. (a) Repealed 6/24/93.

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

1) Northern Area: 0 to 145,000 pounds;

(2) Icy Strait Area: 0 to 55,000 pounds;

(3) North Stephens Passage Area: 0 to 25,000 pounds;

(4) East Central Area: 0 to 225,000 pounds;

(5) Mid-Chatham Strait Area: 0 to 150,000 pounds;

(6) Lower Chatham Strait Area: 0 to 50,000 pounds;

(7) Southern Area: 0 to 25,000 pounds.

WHAT WOULD BE THE EFFECTS IF THE PROPOSAL IS ADOPTED? An effect of this proposal would be more flexibility for the department to raise guideline harvest limits when stocks appear able to sustain higher harvest.

BACKGROUND: Golden king crab guideline harvest ranges (GHRs) for five management units were established in regulation by the board in 1987. Prior to that time, a regionwide GHR was in place and all of Southeast Alaska was managed as one unit. Beginning with the 2000/01 season, at the request of the King and Tanner Crab Task Force the department subdivided two of the management units and began managing seven areas. This was done to spread effort in the fishery, which had begun to aggregate on the most productive fishing grounds as seasons shortened. In 2005, the board adopted the subdivided areas into regulation, along with new GHRs based on historical harvest. At the same time, the board changed all of the management unit names to more accurately describe the areas of the fishery.

Within the GHR s, the department sets target GHLs and adjusts those GHLs as necessary, based on fishery catch per unit effort data, dockside sampling data, onboard observer data, and other information such as spatial distribution of harvest and ability to achieve the targeted GHL. Table 177-1 lists past guideline harvest levels, guideline harvest ranges, and harvest for the areas proposed for increases to the upper end of their GHRs.

DEPARTMENT COMMENTS: The department **OPPOSES** this proposal as written; however, the department would support increasing GHRs in some of the areas proposed.

There is room for the department to set higher GHLs within the current golden king crab fishery GHRs for the Northern and Mid-Chatham management areas; therefore, the department does not see a need to increase the current GHRs. However, for the Icy Strait and East Central management areas, because recent GHLs have been set at the upper end of the GHRs and harvest has exceeded these levels, additional flexibility for setting higher GHLs would be appropriate. The department sets GHLs based on the best interpretation of data that is available. If the GHRs for these areas are increased, the department would not necessarily target the upper end of the GHR when setting the GHL, unless stock status data indicated stocks could sustain higher harvest levels.

As written, this proposal would bring the upper end of the GHRs for all seven areas in combination from its current level of 675,000 pounds up to 875,000 pounds. Between the 1980/1981 and 1989/1990 seasons annual harvests greatly exceeded harvests from the previous decade, averaging 824,865 pounds annually, which is very close to the top end of the proposed GHRs in this proposal. This intensification of the golden crab harvest in the 1980's was followed by a precipitous decline in golden king crab harvests in the 1990's, when between the 1990/1991 and 1999/2000 seasons the regional harvest averaged just 208,527 (Figure 177-1).

The department prepared a preliminary report to the Board in October 1999 that provided details of collapsed and recovered shellfish fisheries in Alaska (RIR1J02-06). Included in that report was the collapse of the Southeast Alaska golden king crab fishery. The department concluded that the collapse in the stocks during the period from the 1993/1994 to 1997/1998 seasons was due in part to overfishing. It is very clear that the golden king crab populations in Southeast Alaska have recovered from that period of decline. The department recommends a conservative approach to increasing the GHLs for this fishery in order to reduce the likelihood of another significant reduction in stock size.

The department received a budget increment in State fiscal year 2007 that provided additional support for an onboard observer program for the Southeast Alaska golden king crab fishery. While the data collected from the project does not allow for determination of the actual abundance of golden king crab, it does provide some additional index type information on stock structure that is useful in monitoring the status of the population.

Current golden king crab GHRs will be re-evaluated in December of 2008 when the department completes its annual review of golden king crab harvest, logbook and observer data.

COST ANALYSIS: This proposal is not expected to result in additional direct cost for the private person to participate.

Table 177-1–Guideline harvest ranges, guideline harvest levels, and harvest for golden king crab management units proposed for increased GHRs.

Management Area	Season	GHR	GHL	Harvest
Northern	2000/01	0–110,000	100,000	108,058
Proposed GHR:	2001/02	0–110,000	100,000	131,277
0–200,000	2002/03	0–110,000	100,000	178,938
	2003/04	0–110,000	100,000	181,154
	2004/05	0–145,000	100,000	142,449
	2005/06	0–145,000	120,000	150,536
	2006/07	0–145,000	120,000	160,766
	2007/08	0–145,000	120,000	184,227
Icy Strait	2000/01	0–90,000	40,000	41,221
Proposed GHR:	2001/02	0–90,000	40,000	50,080
0–75,000	2002/03	0–90,000	40,000	45,106
	2003/04	0–90,000	40,000	53,049
	2004/05	0–55,000	40,000	62,843
	2005/06	0–55,000	55,000	61,290
	2006/07	0–55,000	55,000	71,058
	2007/08	0–55,000	55,000	58,453
East Central	2000/01	0–225,000	225,000	196,810
Proposed GHR:	2001/02	0–225,000	225,000	267,637
0–300,000	2002/03	0–225,000	200,000	226,905
	2003/04	0–225,000	200,000	233,655
	2004/05	0–225,000	200,000	261,035
	2005/06	0–225,000	225,000	249,330
	2006/07	0–225,000	225,000	243,675
	2007/08	0–225,000	225,000	251,004
Mid-Chatham Strait	2000/01	0–150,000	125,000	126,579
Proposed GHR:	2001/02	0–150,000	110,000	113,426
0–200,000	2002/03	0–150,000	100,000	78,284
	2003/04	0–150,000	100,000	55,107
	2004/05	0–150,000	100,000	61,841
	2005/06	0–150,000	80,000	81,463
	2006/07	0–150,000	80,000	78,416
	2007/08	0–150,000	80,000	89,873

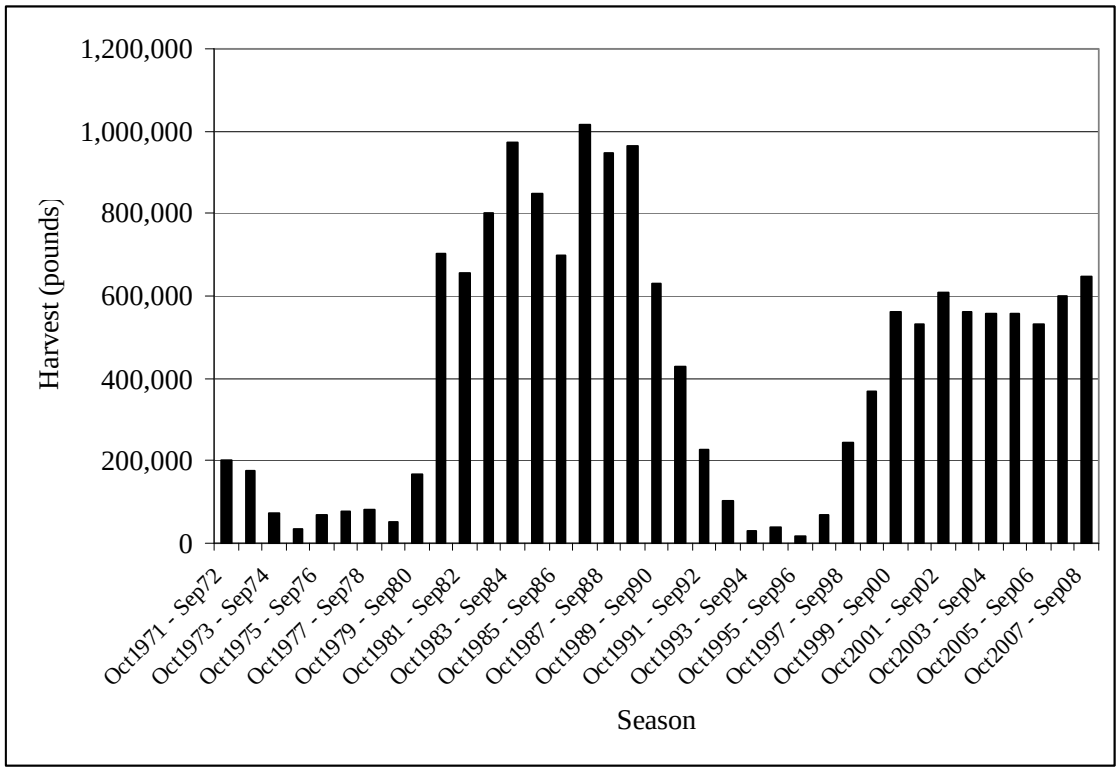

Figure 177-1–Historical commercial harvest of golden king crab in Southeast Alaska by season.

PROPOSAL 178: 5AAC 34.114. SOUTHEAST ALASKA GOLDEN KING CRAB MANAGEMENT PLAN.

PROPOSED BY: Yancey Nilsen.

WHAT WOULD THE PROPOSAL DO? This proposal likely seeks to require the department to manage the Southeast Alaska golden king crab fishery such that target harvest levels are not determined or announced until inseason fishery performance data are obtained, rather than announcing target guideline harvest levels (GHLs) pre-season.

WHAT ARE THE CURRENT REGULATIONS? 5 AAC 34.114. Southeast Alaska Golden King Crab Management Plan.

(c) The department shall base management on historical fishery performance, catch, and population structure information. A lack of adequate information will result in conservative management.

5 AAC 34.130. Logbooks. In Registration Area A, during a king crab season, an operator of a vessel registered to fish in the commercial king crab fishery shall complete logbooks provided by the department.

(b) Logbooks described in (a) of this section shall be

(1) updated daily;

(2) sealed in envelopes provided by the department to maintain confidentiality; and

(3) submitted to the primary processor or buyer for attachment to the fish ticket; the processor or buyer shall forward fish tickets with the attached, sealed envelopes containing logbooks to the department in accordance with 5 AAC 39.130.

(c) A catcher/seller described in 5 AAC 39.130 shall attach logbooks described in this section to the department copy of fish tickets.

(d) A person may not make a false entry in the logbook required in (a) of this section.

5 AAC 34.143. Reporting requirements for king crab in Registration Area A. In addition to the reporting requirements in 5 AAC 39.130 and 5 AAC 34.075, the commissioner may require an owner or operator of a vessel validly registered to fish in the commercial king crab fishery in Registration Area A to report to a local representative of the department the following catch information:

(1) the number of legal king crab on board the vessel and the number of pot lifts conducted during the fishing period in any fishing area, district, or portion of a district; and

(2) any other information that the commissioner determines is necessary for the conservation and management of the resource; the board directs the commissioner to consult with the fishing industry in developing reporting requirements under this paragraph.

WHAT WOULD BE THE EFFECTS IF THE PROPOSAL IS ADOPTED? The department would discontinue attempting to target GHLs that were announced pre-season and instead would monitor fishery performance to determine when to announce fishery closures based on comparison of logbook harvest and effort information to prior years. Another effect is that stakeholders may not be able to gauge in advance when an area would close based on the amount of GHL remaining, which may affect decisions regarding relocating, or processor planning.

BACKGROUND: Currently, the department adjusts GHLs within established GHRs based on past fishery performance, population size class composition, indicators of recruitment, and spatial distribution of harvest. Data is reviewed in detail triennially and GHLs are maintained, increased, or decreased depending on trends in the available data. GHLs are set and announced pre-season. Progress toward GHLs is targeted through a mandatory weekly call-in program. Based on catch and catch rates from the call-in, the department projects when harvest will reach the GHL. After consultation with permit holders on the grounds to confirm current catch rates, discussion of expected movement of the fleet and consideration of implications of tidal current on gear removal, the department announces the closure date.

Because of the allowable gear (100 pots maximum), depth in which gear is set and strong tidal currents, a substantial advance notice is necessary before closing an area to allow permit holders to meet the closure time. Frequently, area closures must be delayed beyond the time needed to attain the GHL because large tidal ranges either slow the rate of gear recovery or make it impossible by submerging buoys due to drag. In addition, catch rates and fleet movement may be different from what is projected between the announcement of a closure and when a fishery actually closes.

In recent years, the department has reviewed data with intent to make potential GHL adjustments once every three years. One intention of the three-year cycle is to allow a several-year period of data collection at a relatively constant harvest level so that patterns may be easier to detect, and knee-jerk reactions would be avoided. Another intention is to provide constant GHLs for several years so that permit holders and processors may anticipate harvest levels for planning purposes.

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

Although the department currently has the ability to adjust GHLs inseason based on logbook call-ins, the department sees no significant benefits from adopting this management approach. If required to manage inseason based on catch rates, the department would need to develop a standard for comparison, along with well defined decision rules, to avoid the need to make highly subjective decisions under the pressure of the on-going fishery. Catch rates would be compared to the standard and the season would be adjusted (extended or truncated) as necessary. Instead of using several years of data that have been carefully reviewed before making decisions,

the department would be required to make rapid decisions based on a small amount of data with minimal opportunity to interpret. The risk of making the incorrect decision would increase under this approach. It is also likely that the department would not be able to provide as much advance notice for area closures, which has historically been a major concern of the fleet.

COST ANALYSIS: This proposal is not expected to result in additional direct cost for the private person to participate.

PROPOSAL 179: **5AAC 35.125. LAWFUL GEAR FOR REGISTRATION AREA A.**

PROPOSED BY: Southeast King and Tanner Task Force.

WHAT WOULD THE PROPOSAL DO? Allow permit holders with dual golden king/Tanner crab permits to legally retain golden king crab in a Tanner crab pot if both seasons are open.

WHAT ARE THE CURRENT REGULATIONS?

5 AAC 34.125. Lawful gear for Registration A.

(a) King crab may only be taken by king crab pots. King crab taken by other means must be returned to the water without further harm.

(c) …Beginning November 1, 2006, king crab pots must have either at least the bottom one-third of one vertical surface of a square pot, or sloping sidewall surface of a conical or pyramid pot, composed of not less than nine-inch stretch mesh webbing or have at least four circular escape rings of six and one-quarter inches minimum inside diameter. The lowest edge of each escape ring must be within eight inches of the top of the bottom web bar on the pot. One ring must be installed in each quadrant of the pot. Escape rings or stretch mesh webbing must be so located on the vertical or sloping sidewall surface to permit the escapement of undersize crab.

5 AAC 35.125. Lawful gear for Registration Area A.

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

(f) Beginning February 15, 2006, in Registration Area A, pots used to take Tanner crab must be rigged to permit escapement of undersize Tanner crab as follows:

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

(2) no less than four circular escape rings of four and three-quarters inch minimum inside diameter must be installed on the vertical plane of a square pot, or the sloping sidewall surface of a conical or pyramid pot; the lowest edge of each escape ring must be within eight inches of the top of the bottom web bar on the pot; one escape ring must be installed in each quadrant of the pot.

WHAT WOULD BE THE EFFECTS IF THE PROPOSAL IS ADOPTED? There would be less handling and release of golden king and slightly more efficient capture of golden king crab GHLs. Golden king crab GHLs may be achieved slightly faster than in the past.

BACKGROUND: Commercial golden king crab and Tanner crab fisheries open concurrently by regulation in Southeast Alaska. Participants may hold a permit for golden king crab only, Tanner crab only, or a combination of both golden king crab and Tanner crab. Regulation allows (5 AAC 35.125(b)(3) and 5 AAC 34.125(b)(3)) simultaneous registration for both fisheries, but these simultaneous registrants are limited to 80 pots. Often those with combination or dual

permits registered for both fisheries begin the season targeting Tanner crab and then switch to golden king crab. In order to get their full complement of 100 golden king crab pots they must first unregister for Tanner crab.

Prior to the 1985/86 season, the golden king crab fishery opened in October concurrently with the red king crab fishery. The red king crab fishery did not open in October of 1985 for the 1985/86 season. The presumed concurrent October opening of the 1985/86 golden king crab season was postponed until the start of the Tanner crab fishery on February 10, 1986. This season start change was based on industry and fleet preferences. The golden king crab and Tanner fisheries have opened concurrently since the 1985/86 seasons. Since the golden king crab and Tanner crab fisheries have opened concurrently the opening dates for both fisheries have varied from as early as January 15 to as late as February 15.

The process for limiting entry in the red king crab, golden king crab, and Tanner crab fisheries began with determining the maximum number of permits for each of these three fisheries. The maximum permit numbers were based on the history of effort for each species. There was considerable overlap of participation amongst these three fisheries. The Commercial Fisheries Entry Commission (CFEC) was concerned that some individuals would sell off permits if they were issued as individual fishery permits and that this would lead to an increase of effort in each fishery. For individuals entitled to more than one fishery only one permit was issued. This led to the various Tanner, red king, and golden king permit permutations presently in effect in the Southeast king and Tanner crab fisheries. Though the CFEC's adjudications process is ongoing, Table 179-1 shows the current possible number of permits active in the Southeast Alaska Tanner and golden king crab limited entry fisheries. The different permutations for Southeast Alaska Tanner crab, red and golden king crab limited entry fisheries are as follows:

T19A – Tanner pot

K19A – Red king only

K29A – Red and golden king

K39A – Golden king only

K49A – Red king and Tanner

K59A – Golden king and Tanner

K69A – Red king, golden king, and Tanner

DEPARTMENT COMMENTS: The department is **NEUTRAL** on this proposal. The golden king crab resource would not be expected to receive increased harvest pressure because the fishery is managed by targeting guideline harvest levels. There is an allocation aspect of this proposal, as those who hold only golden king crab permits would lose a presumably low, but unknown, amount of harvest opportunity if golden king crab are retained by multi-species permit holders while they are targeting Tanner crab.

COST ANALYSIS: This proposal is not expected to result in additional direct cost for the private person to participate.

Table 179-1–Potential number of permits for Southeast Tanner and golden king crab limited entry fisheries by species and permit type.

Fishery	Permit Type	Permits Available
SE Tanner crab	K49A	14
	K59A	5
	K69A	28
	T19A	22
	IEP's**	18
SE golden king crab	K29A	6
	K39A	8
	K59A	5
	K69A	28
	IEP's**	13

* Current information on numbers of permits as of October 27, 2008.
**Number of interim entry permits of various permutations with that use privilege for that species still under adjudication.

PROPOSAL 180: **5AAC 34.125 LAWFUL GEAR FOR REGISTRATION AREA A.**

PROPOSED BY: Steven M. Thynes.

WHAT WOULD THE PROPOSAL DO? The proposal would eliminate square pots as a lawful gear type in the Southeast Alaska golden king crab fishery.

WHAT ARE THE CURRENT REGULATIONS?

5 AAC 34.050. Lawful gear for king crab. Unless otherwise specified in this chapter,

(1) king crab may be taken only with king crab pots; king crab taken by any other means must be returned to the water without further harm;

(2) a king crab pot is a pot that is no more than 10 feet long by 10 feet wide by 42 inches high with rigid tunnel eye openings that individually are no less than five inches (13 cm) in any one dimension with tunnel eye opening perimeters that individually are more than 36 inches (91.4 cm) or a pot that is no more than 10 feet long by 10 feet wide by 42 inches high and that tapers inward from its base to a top consisting of one horizontal opening of any size;

5 AAC 34.125. Lawful gear for Registration Area A. (a) King crab may be taken only by king crab pots. King crab taken by any other means must be returned to the water without further harm.

(c)…Beginning November 1, 2006, king crab pots must have either at least the bottom one-third of one vertical surface of a square pot, or sloping sidewall surface of a conical or pyramid pot, composed of not less than nine-inch stretch mesh webbing or have at least four circular escape rings of six and one-quarter inches minimum inside diameter. The lowest edge of each escape ring must be within eight inches of the top of the bottom web bar on the pot. One ring must be installed in each quadrant of the pot. Escape rings or stretch mesh webbing must be so located on the vertical or sloping sidewall surface to permit the escapement of undersize crab.

WHAT WOULD BE THE EFFECTS IF THE PROPOSAL IS ADOPTED? It would no longer be legal to use square pots, and possibly any other type of pot with an opening on the vertical plane, in the Registration Area A golden king crab fishery. Only top entry pots with an opening on the horizontal plane, like cones and pyramids, would be used in the Registration Area A golden king crab fishery.

BACKGROUND: The three types of pots used in the golden king crab fishery are cone, square, and pyramid. The approximate percentages and number of pot types used in the 2007/08 season of the Southeast Alaska commercial golden king crab fishery are presented in Table 180-1.

Although department onboard observers have collected some halibut bycatch data during the golden king crab fishery, too few seasons and too few square pots were observed to provide meaningful comparisons. Based on an experiment conducted by the International Pacific Halibut Commission (IPHC), side-entry pots captured 1.43±0.11 ($\overline{X} \pm SE$) halibut per pot lift, while top-entry pots captured 0.04±.02 halibut per pot lift, and the average size of halibut was smaller for top-entry pots (6.0 pounds versus 16.1 pounds for side-entry). The study demonstrated a relative difference between pots types in efficiency of catching halibut; however, because the study was conducted on Tanner crab fishing grounds with an observed high incidence of halibut, the absolute estimate is probably biased high if comparing to golden king crab habitat. Tanner crab and halibut prefer a flat, soft bottom, where as golden king crab habitat is generally steep, rocky substrate, which is probably less suitable for halibut. Based on 2000 to 2006 pot lift data in the golden king crab fishery there were an estimated average 1,100 square pot lifts per season. Using the IPHC halibut catch rate, the estimated average number of halibut that are caught by square pots each season in the golden king crab fishery is 1,573 fish.

Halibut may not be legally retained if caught in pots as hook and line are the only legal gear types for halibut. The department has no data to estimate the mortality rate of halibut bycatch in pot fisheries.

DEPARTMENT COMMENTS: The department is **NEUTRAL** on this proposal. If adopted, the regulatory wording would need to include a definition of a square pot. Current regulations do not specify pot shapes, but rather state maximum pot dimensions, and define tunnel eye dimensions in pots that have an opening on the vertical plane. Therefore, non-square pots with similar fishing ability and bycatch rates could likely be constructed.

COST ANALYSIS: Golden king crab permit holders that currently use square pots would incur the cost of purchasing new pots. Based on information from permit holders, the cost of a large cone pot delivered to Petersburg is approximately $800 and the cost of a large pyramid pot is approximately $640. If this proposal were adopted there may also be costs associated with modifying pot launchers on affected vessels.

Table 180-1–Number and percent of pot types in the 2007/08 season of the Southeast Alaska golden king crab fishery.

Pot type	Number in fishery	Percentage in fishery
Cone*	2,920	90%
Pyramid	200	6%
Square	120	4%

*Counts for cone type pots include dome type pots.

PROPOSALS 181 AND 182:5AAC 35.110. FISHING SEASON FOR REGISTRATION AREA; 5AAC 35.110. GUIDELINE HARVEST LEVEL FOR REGISTRATION AREA A.

PROPOSED BY: Southeast King and Tanner Crab Task Force (181) and Roger Gregg (182)

WHAT WOULD THE PROPOSAL DO? Proposal 181 would require the department to manage the Southeast Alaska Tanner crab fishery based on a minimum six-day fishery, which would be extended or closed based on comparison of call-in catch and effort data to established thresholds.

Proposal 182 would require the department to manage the Southeast Alaska Tanner crab fishery based on a set season length of two weeks. This proposal would also remove from regulation the current Tanner crab guideline harvest level of 2,000,000 pounds.

WHAT ARE THE CURRENT REGULATIONS? **5 AAC 35.080. Harvest Strategy.** The department shall establish an annual harvest strategy for each Tanner crab stock that is consistent with the board's Policy on King and Tanner Crab Resource Management (90-04-FB, March 23, 1990), adopted by this reference. If adequate data are available, the department shall establish a threshold level of abundance for each stock and may not allow fishing on any stock that is below its threshold level of abundance. Data used to determine guideline harvest levels and, if appropriate, exploitation rates, may include estimates of exploitable biomass, estimates of recruitment, estimates of threshold level of abundance, estimates of acceptable biological catch, historical fishery performance data, estimates of reproductive potential, and market or other economic considerations. Except for those closures authorized by 5 AAC 35.035, the department may not change established harvest strategies unless the board has reviewed the change.

5 AAC 35.115. Guideline harvest level for Registration Area A. In Registration Area A, the guideline harvest level for Tanner crab is 2,000,000 pounds.

WHAT WOULD BE THE EFFECTS IF THE PROPOSAL IS ADOPTED? The management of the Tanner crab fishery may become much more simplified with less information for the department to interpret and communicate to the fleet. However, the fishery would be managed solely on the strength of the legal component of the Tanner crab population based on commercial fishery performance data. The fishery would be managed without consideration of estimates of absolute population size or fluctuations, harvest rate, size class composition, females, recruitment, or productivity. Protection against recruitment failure would rely heavily on the existing minimum size limit and male-only harvest.

BACKGROUND: For most of its history, the Southeast Alaska commercial Tanner crab fishery has been managed mainly by allowing male-only harvest, setting a minimum size limit, limiting pots, and adjusting season length to target a guideline harvest level. From the 1968/69 through

1973/74 seasons, the fishery was open year round; however, the season has been reduced over the years as the fishery and regulations developed. During the 1980s, the season length was determined inseason by using harvest recorded on fish tickets to develop depletion estimates of harvest rate. Once the harvest rate had reached a level between 40 and 60% the fishery was closed. The fishery continued to intensify and in 1987 a guideline harvest level (GHL) was established in regulation at 2.0 million pounds. In order to keep harvest within this level, the season length was reduced further. The depletion estimate approach was possible when the season was at least three weeks long; however, as the season was reduced below this, catch information from the fleet could not be obtained quickly enough.

During the 1995/96 through 2005/06 seasons, the department established the season length prior to the season based on the estimated time to reach the 2.0 million pound level if stock strength appeared to be average. In 1997, the department initiated the Tanner crab stock assessment survey to better gauge stock strength, with a goal of estimating biomass to calculate preseason GHLs as specified in the harvest strategy regulation (5 AAC 35.080). Survey trends in catch per unit effort of various size classes and trends in commercial fishery performance were used as a basis for gauging stock strength. Based on declining trends, the season has been further reduced to between five and seven days in core areas since the 1997/98 season. Season length over the course of the fishery is presented in Table 181-1. Shortened seasons lead to increased fishing effort in the most productive, or "core" fishing areas, and increased concern of overharvest in these core areas.

In response to increasing fishing pressure in core fishing areas, in 2002, the Board created a charge to the department and the King and Tanner Task Force (2002-214-FB) to work together to develop a draft Southeast Alaska Tanner Crab Management Plan and an associated suite of regulations for consideration by the board with a main goal of reducing fishing pressure in core fishing areas. The department submitted a draft management plan to the Board at the 2005 meeting; however lack of fleet support resulted in withdrawing the proposal.

In 2003, the department attempted to reduce harvest rates in core areas by initiating an extended season only in the "non-core" areas; the intent was to provide an incentive for permit holders to fish outside core areas by allowing more time to seek out crab in lesser known fishing grounds. The non-core extended season has been conducted every year since 2003. Harvest and effort in core and non-core areas since the initiation of the core/non-core season are presented in Table 181-2.

Core area definitions are:

(a) Icy Strait west of a line drawn between Point Sophia and 58°14.00' N. lat., 135°16.00' W. long., which includes waters of Port Frederick and Excursion Inlet, and east of Section 14-A, waters of Glacier Bay not closed by the National Park Service;

(b) St. James Bay west of a line between Point Whidbey and 58°33.00' N. lat., 135°09.60' W. long.;

(c) Waters of District 15 east of a line between the north tip of Little Island and Point St. Mary including Berners Bay;

(d) Section 11-A of Stephens Passage;

(e) Waters of Section 11-B north of a line between Point Arden and Circle Point and east of a line between Point Arden and Point Bishop, including all waters of Taku Inlet;

(f) Seymour Canal north of 57°37.00'N. lat.;

(g) Port Snettisham east and north of a line between Point Styleman and Point Anmer;

(h) Endicott Arm and Tracy Arm east of a line between Point Coke and Point Astley;

(i) Gambier Bay west of a line between Point Gambier and 57°24.90'N. lat., 133°53.00' W. long.;

(j) Pybus Bay north and west of a line from Point Pybus to the easternmost tip of San Juan Island and from there to a point at 57°14.60' N. lat., 134°07.30' W. long.;

(k) Section 13-C excluding Sitkoh Bay, and;

(l) Waters of Keku Strait, Port Camden and associated bays southeast of a line between Cornwallis Point at 56°55.91' N. lat., 134°16.42' W. long. and Point McCartney at 57°01.49' N. lat., 134°03.51' W. long. and west of a line between Point Camden at 56°48.66' N. lat., 133°52.79' W. long. and Salt Point Light at 56°50.68' N. lat., 133°52.02' W long., and;

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

In 2006, the department was able to estimate Tanner crab stock abundance for the first time based on the data from stock assessment survey. For the 2006/07 and 2007/08 seasons, GHLs were calculated by applying a harvest rate to estimates of abundance. For the first time in the 2007/08 season, the department used an abundance-based management strategy to manage the commercial Tanner crab fishery. A GHL of 987,000 pounds was targeted by applying a 20% harvest rate to the mature biomass estimate from catch-survey modeling of survey results and setting the season length preseason to allow for the targeted harvest. In an effort to understand how setting GHLs based on estimates of abundance might impact the fishery in the future, the department conducted a retrospective analysis using existing data to estimate what GHLs would have been had this approach been implemented over the past decade and compared them to actual GHLs targeted in the fishery. The results of this analysis are presented in Table 181-3.

Historical harvest and effort is summarized in Figure 181-1. The 2007/08 season harvest was the lowest since the 1970/71 season and the lowest since the fishery has been fully developed. The number of permits fished in 2007/08 was the lowest since the 1975/76 season. The average harvest (in pounds) per permit for the 1968/69 to 2007/08 period was 19,156 pounds and the average harvest per permit in the 2007/08 season was 8,402 pounds.

To provide a comparison to the proposed catch thresholds, the fishery's CPUE on the first day for the past ten years is shown in Table 181-1.

DEPARTMENT COMMENTS: The department **OPPOSES** these proposals.

The management approach requested in these proposals is not consistent with sections of the board's Policy on King and Tanner Crab Resource Management. As examples, the provisions in the proposal would not be adequate to maintain various size and age classes, nor would it provide measures to allow adjustments to management to minimize risk of irreversible damage to reproductive potential when abundance of prerecuits and females was inadequate. The proposal is also counter to the department's goal of abundance-based management.

The department values fishery-independent estimates of abundance and size class trends when gauging the stock status of this resource and believes the current survey tracks fishery performance reasonably well (Figure 181-2). The proposal requests season length extensions based on CPUE at the onset of the fishery. There is risk associated with drawing too many conclusions on the health of the Tanner stock from commercial CPUE data because commercial CPUE may appear stable for a time, even when stock levels have declined. This may allow serial depletion to go undetected. Allowing more fishing time based purely on CPUE, irrespective of effort or effort distribution, would create additional risk.

Since the 2006/07 season, the department has estimated abundance of Tanner stocks in the region. The use of abundance estimates and application of appropriate harvest rates to set GHLs is consistent with other Tanner crab fisheries in the state where data is available to do so (Table 181-4).

COST ANALYSIS: This proposal is not expected to result in additional direct cost for the private person to participate.

Table 181-1–Season length and first-day catch per unit effort for the Southeast Alaska commercial Tanner crab fishery.

Season	Core Area (days)	Non-core Area (days)	First 36-hrs. catch per unit effort (crabs)
1993/94[a]	17	17	30
1994/95[a]	11	11	31
1995/96[a]	9	9	31
1996/97[a]	8	8	31
1997/98[a]	7	7	43
1998/99[a]	6	6	35
1999/00[a]	6	6	28
2000/01[a]	7	7	23
2001/02[a,b]	6	6	18
2002/03	5	9	19
2003/04	5	10	22
2004/05	4	9	25
2005/06[c]	5	10	31
2006/07[d]	6	11	26
2007/08	6	11	23

[a] No Core/Non-core areas.
[b] Ring fishery closed after 5 days.
[c] Section 11-A was open for 4 days.
[d] Section 11-A, Port Camden, and Holkham Bay were open for 5 days.

Table 181-2–Tanner crab harvest, pot lifts, number of permits fished, and catch per pot lift in core and non-core areas. Differential fishing time for core and non-core areas started with the 2002/03 season. All harvest/catch values are expressed in pounds.

	Core areas				Non-core areas			
Season	Harvest	Pot Lifts	Permits	Catch per pot lift	Harvest	Pot lifts	Permits	Catch per pot lift
1993/94	1,755,816	41,162	116	42.7	245,710	7,632	29	32.2
1994/95	2,130,698	47,240	155	45.1	376,449	8,531	53	44.1
1995/96	1,782,225	38,941	151	45.8	237,811	6,770	45	35.1
1996/97	1,716,467	36,266	151	47.3	184,352	5,632	40	32.7
1997/98	2,482,723	36,739	158	67.6	218,599	4,593	50	47.6
1998/99	1,971,861	33,658	143	58.6	192,270	3,214	52	59.8
1999/00	1,579,151	31,565	168	50.0	127,005	2,867	53	44.3
2000/01	1,178,369	28,559	135	41.3	117,311	3,628	51	32.3
2001/02	879,139	26,987	126	32.6	85,697	2,048	27	41.8
2002/03	673,848	17,143	101	39.3	130,386	5,794	39	22.5
2003/04	718,211	18,928	86	37.9	113,947	4,535	30	25.1
2004/05	714,181	15,242	75	46.9	89,854	3,006	22	29.9
2005/06	794,316	15,346	69	51.8	92,205	3,493	25	26.4
2006/07	840,381	19,293	74	43.6	87,519	3,039	23	28.8
2007/08	554,362	14,266	65	38.9	50,700	2,029	16	25.0
Average	1,318,117	28,089	118	46.0	156,654	4,454	37	35.2

Table 181-3–Comparison between estimated population size, actual commercial catch, and the retrospectively estimated population size and corresponding GHLs at 20% harvest rate. All values expressed in number of crabs.

Year	Commercial catch	Estimated legal number of crab	Estimated retrospective number of legal crab	Estimated retrospective GHL
1997	1,042,981	1,750,778	1,750,778	585,779
1998	835,572	1,653,446	1,788,384	481,921
1999	658,747	1,251,247	1,471,305	458,994
2000	500,263	874,352	1,401,310	453,409
2001	372,524	735,288	1,384,258	473,926
2002	310,515	753,229	1,446,897	490,675
2003	321,291	822,378	1,498,032	514,635
2004	310,438	916,067	1,571,180	571,695
2005	342,286	1,084,031	1,745,387	657,823
2006	358,263	1,197,971	2,008,335	627,563
2007		1,139,764	1,915,952	
Total	5,052,880			5,316,420

Table 181-4–Comparison of Tanner crab regulations of fishery management areas in Alaska.

Area	Pot limit	Logbook	Harvest Strategy	Threshold*	Harvest rate*	Comments
Southeast	80	Yes	No	None	None	
Yakutat	100	No	No	None	None	
Cook Inlet—Southern District	20–40		Yes	500,000	15–25% of legal male	*fishery does not open below 500,000 crab or if attaining the GHL will cause legal male abundance to fall below 500,000 crab or est. harvest capacity exceeds GHL during a minimum 12-hr fishery.
Cook Inlet—Kamishak / Barren Is.	75		Yes	700,000 combined	15–25% of legal male	
Kodiak	20–60	Yes, or call-in	Yes	1/2 long-term MMA	10–20% MMMA and 30% LMA	400,000 min. GHL for District (100,000 for indivdual section). If fishery does not meet threshold in a Section/District the following season it must provide 2x min. GHL to open.
Chignik	1,000 total for fishery	Yes, or call-in	Yes	1/2 long-term MMA	10–20% MMMA and 30% LMA	200,000 min. GHL.
So. Penninsula	30–75	Yes, or call-in	Yes	1/2 long-term MMA	10–20% MMMA and 30% LMA	
E. Aleutian	300 total for fishery	Call-in	Yes	1/2 long-term MMA	10–20% MMMA and 30% LMA	Minimum GHL of 35,000 pounds in each section.
Bering Sea	None	Yes	Yes	21 mill. lbs. mature female biomass	10–20% of MMMA or 50% of ELMA	If the fishery does not meet threshold to open then the following season the TAC is reduced by 50%.

*LMA – legal male abundance.

MMA – mature male abundance: carapace width >114mm (112mm for Bering Sea).

MMMA – molting mature male abundance: 100% of newshell and 15% of old shell MMA.

ELMA – exploitable legal male abundance: 100% of newshell and 32% of oldshell crabs that are more than 140mm carapace width.

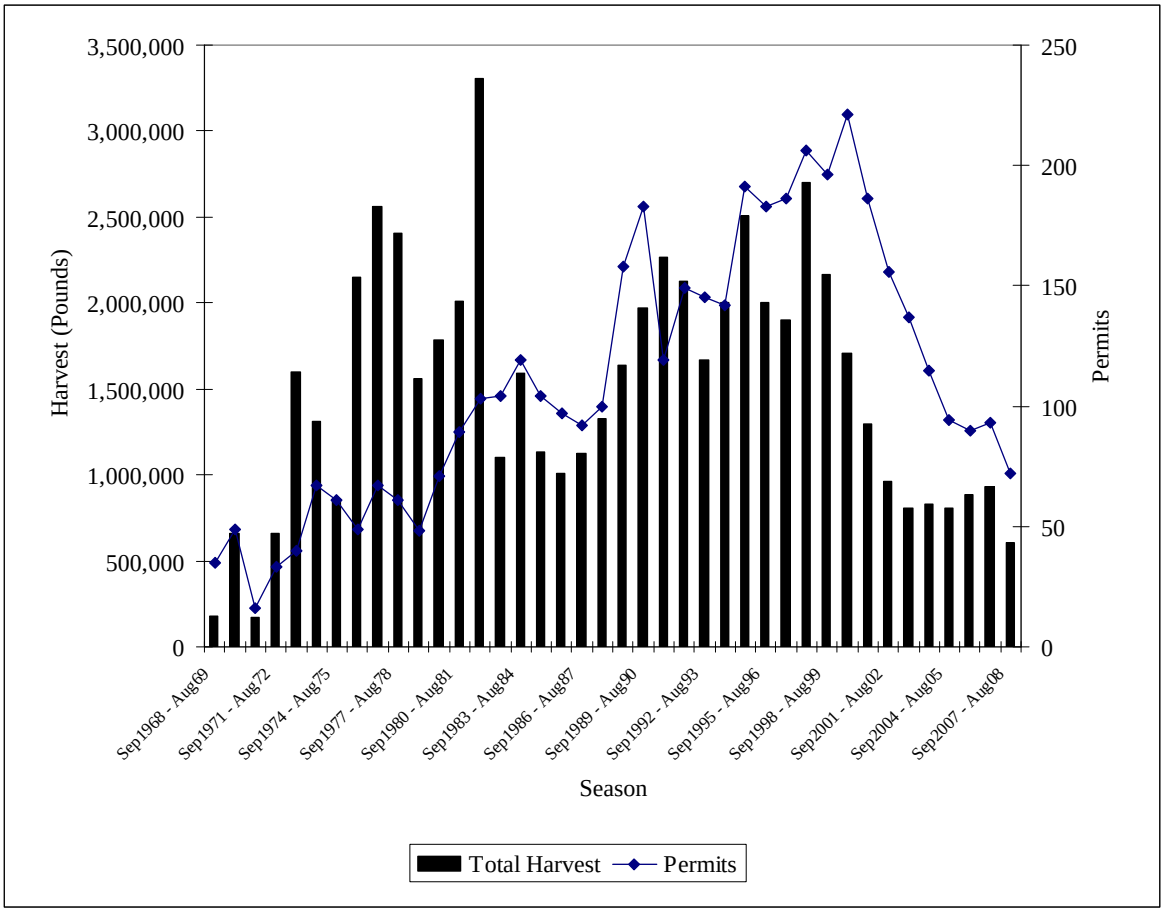

Figure 181-1–Annual harvest and permits fished for the Southeast Alaska Tanner crab fishery, 1968/1969 to 2007/2008 seasons.

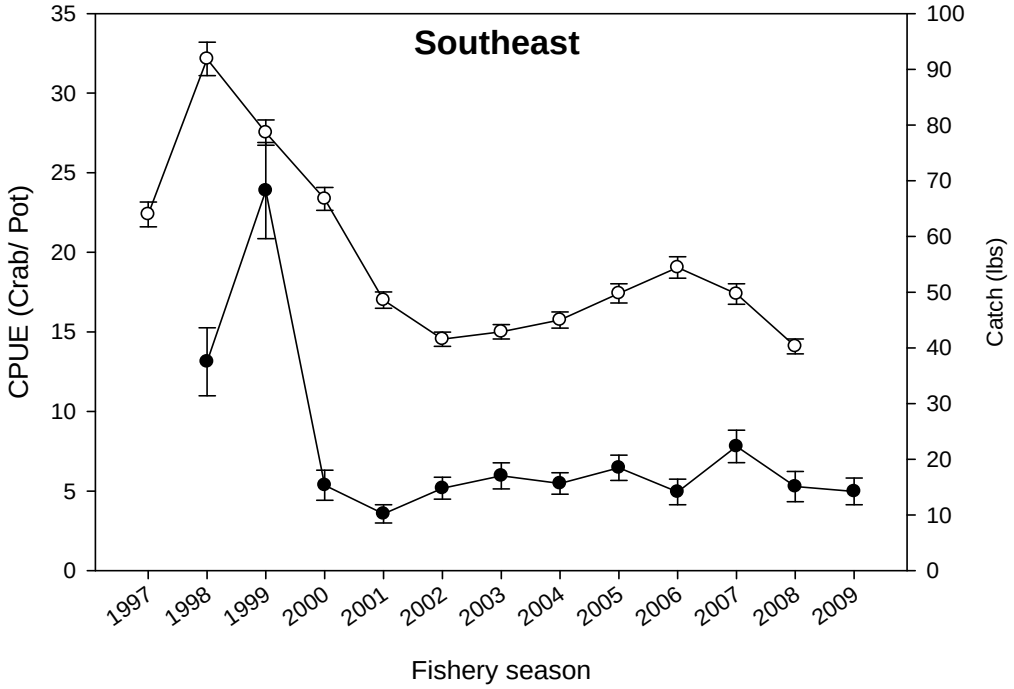

Figure 181-2–Mean (±SE) legal male Tanner crab per pot weighted by location area for the Tanner crab survey 1997 – 2009 (dark points) and standardized commercial CPUE 1997–2006 (open points). During 1997 through 2000 new survey areas were added each year. 2001 and after include all current survey areas.

PROPOSAL 183: 5AAC 35.127. TANNER CRAB GEAR STORAGE REQUIREMENTS FOR REGISTRATION AREA A.

PROPOSED BY: Alaska Department of Fish and Game.

WHAT WOULD THE PROPOSAL DO? The proposal would extend the time to store Tanner crab pots from 72 hours to 5 days after a portion of Registration Area A closes during the commercial Tanner crab season.

WHAT ARE THE CURRENT REGULATIONS? 5 AAC 35.127. Tanner crab gear storage requirements for Registration Area A. (a) Rectangular Tanner crab pots with all bait and bait containers removed and all doors secured fully open, and cone or pyramid Tanner crab pots with all bait and bait containers removed and all doors not secured closed, may be stored in the water only

(2) for 72 hours following the season closure for Tanner crab in any portion of Registration Area A;

WHAT WOULD BE THE EFFECTS IF THE PROPOSAL IS ADOPTED? Participants would have more time to transfer gear from the closed fishing grounds to other open grounds or to port, which may be particularly helpful when weather precludes safe removal. Also, creating consistency with the king crab regulations may reduce confusion since Tanner and golden king crab fisheries are concurrent.

BACKGROUND: Time for gear storage following closure of an area allows fishery participants to transfer pots from the closed area to another area in an orderly and safe fashion. The current regulation allowing a time of 72 hours was considered as the minimum time needed for transferring gear. The minimum time is desirable for enforcement purposes because it narrows the window of patrolling time that is necessary to confirm that areas are free of actively fishing pots. However, during the board's March 2005 meeting, the gear storage time for partial area closure during the Southeast Alaska golden king crab fishery was increased from 72 hours to five days. This was done to allow more time to safely retrieve stored pots if poor weather or tidal current became an obstacle. Since the golden king crab and Tanner crab fisheries take place concurrently, with several participants involved in both fisheries, confusion about the gear storage time may be reduced if both fisheries have the same provisions.

Since the 2002/03 season, the department has used a management approach allowing different amounts of fishing time in the traditional Tanner crab grounds ("core" areas) versus the non-traditional Tanner crab grounds ("non-core" areas). This type of management leads to partial area closures since less fishing time is given in the core areas than in the non-core areas. Typically, permit holders who fish the entire Tanner crab season start in the core areas then move their gear to non-core areas. Some of these permit holders, especially those using smaller

vessels, have raised concerns that it takes more than 72 hours to move their stored gear out of core areas and into non-core areas.

DEPARTMENT COMMENTS: The department submitted and **SUPPORTS** this proposal. The department defers to AWT on the impact this regulation would have on their ability to enforce Tanner crab season closures, which is the primary purpose of gear storage time limits.

COST ANALYSIS: This proposal is not expected to result in additional direct cost for the private person to participate.

PROPOSAL 184: **5AAC 35.125. LAWFUL GEAR FOR REGISTRATION AREA A.**

PROPOSED BY: Southeast King and Tanner Task Force.

WHAT WOULD THE PROPOSAL DO? This proposal would allow additional pots to be operated from one vessel registered for the commercial Tanner crab fishery when two permit holders are registered for the vessel.

WHAT ARE THE CURRENT REGULATIONS? **5 AAC 35.125. Lawful gear for Registration Area A.**

(b) The following Tanner crab gear limits are in effect in Registration Area A:

(1) no more than 80 Tanner crab pots may be operated from a vessel registered to fish for Tanner crab;

(2) no more than 20 Tanner crab ring nets may be operated from a vessel registered to fish for Tanner crab;

3) when the commercial golden king crab and Tanner crab seasons are open in Registration Area A at the same time, an aggregate of no more than 80 king and Tanner crab pots may be operated from a vessel to fish for both king and Tanner crab;

WHAT WOULD BE THE EFFECTS IF THE PROPOSAL IS ADOPTED? Allowing the stacking of permits on one vessel may potentially allow more economically efficient harvest operations for individuals by reducing operation costs. Another effect is that effort may be reduced by decreasing the number of pots operated; however, the opposite effect of increased effort may occur if inactive permits become active to take advantage of a more economical method of harvesting.

BACKGROUND: In 1973 a pot limit of 60 was implemented for the Tanner fishery in all inside waters. In 1977 a 100-pot limit was put into effect in Southeast Alaska. Trawl gear was dropped as legal gear in 1977 leaving only pots and ring nets as legal gear options. In 1990 the number of ring nets was limited to 20 per vessel, ring net marking requirements were defined, and the allowable ring net harvest was capped at four percent of the total harvest. At the 1996 meeting of the Board the department had recommended reducing the pot limit to 50. The board adopted an 80-pot limit. This new limit was implemented starting in the 1997 season.

Table 184-1 shows the current possible number of permits available by permit type in the Southeast Tanner crab fisheries. The number of ring permits fished, pot permits fished, and total harvest for the last ten seasons are presented in Table 184-2.

DEPARTMENT COMMENTS: The department is **OPPOSED** to this proposal. Currently, GHLs are targeted in the Tanner, red king, and golden king crab fisheries. In the golden king

crab fishery where GHLs are targeted inseason through twice weekly call-ins of logbook data, notice of six to eight days is typically given before fishery area closures. If this proposal were adopted it would allow some vessels to fish as many as 120 pots. In providing enough notice to these 120-pot vessels for fishery area closure or closures, the problems associated with managing the Tanner crab fishery by targeting a GHL or GHLs would be exacerbated.

For the first time in the 2007/08 season, the department used an abundance-based management strategy for the commercial Tanner fishery. A GHL of 987,000 pounds was targeted. The current limit of 80 pots made it impractical to target this regionwide GHL inseason with daily call-ins. For this reason, the department's only management tool to target this GHL was to set the season length pre-season in the core and non-core areas. Allowing some vessels to fish more than the 80-pots currently allowed would confound the department's efforts to target a sustainable GHL or GHLs inseason.

The potential for increased effort from sale, transfer, or re-activation of inactive limited entry permits may only exacerbate already short Tanner crab seasons and increase the likelihood of exceeding the GHL or GHLs. Currently, there are 87 possible permits that could participate in Tanner crab pot fisheries (Table 184-1), though only 49 permits participated last season (Table 184-2). It is likely that some of the inactive permits may renew participation in the fishery if this proposal were to pass, leading to an overall increase of Tanner gear on the grounds. While more total pots would not be an issue for a fishery managed by a GHL or GHLs, allowing some vessels to fish up to 120 pots would make the fishery more difficult to manage.

COST ANALYSIS: This proposal is expected to result in reducing the direct cost for the private person to participate.

Table 184-1–Permit type and potential permit numbers for Southeast Tanner crab fisheries.

Permit Type	Species	Permits Available
T10A	Tanner Ring	Open entry
K49A	red king/Tanner	14
K59A	golden king/Tanner	5
K69A	red and golden king/Tanner	28
T19A	Tanner	22
IEP's**		18
Total Pot		**87**

***** Current information on numbers of permits as of October 27, 2008.

******Number of interim entry permits of various permutations with that use privilege for that species still under adjudication.

Table 184-2–Number of ring permits fished, pot permits fished, and total harvest for the 1998/99 through 2007/08 seasons.

Season	Ring Permits Fished	Pot Permits Fished	Total Harvest**
1998/99	87	93	2,164,131
1999/00	110	92	1,706,156
2000/01	80	81	1,295,680
2001/02	57	83	964,836
2002/03	44	67	804,234
2003/04	30	68	832,158
2004/05	21	60	804,035
2005/06	19	53	886,521
2006/07	19	57	927,900
2007/08*	18	49	605,062

* Most recent season's data should be considered preliminary.

** Allowable ring net harvest capped at four percent of the total harvest.

PROPOSAL 185: **5AAC 35.125. LAWFUL GEAR FOR REGISTRATION AREA A.**

PROPOSED BY: Southeast King and Tanner Crab Task Force.

WHAT WOULD THE PROPOSAL DO? This proposal would allow additional pots to be operated from one vessel registered for commercial red, golden, and Tanner crab fisheries when two permit holders are registered for the vessel.

WHAT ARE THE CURRENT REGULATIONS?

5 AAC 35.125. Lawful gear for Registration Area A.

(b) The following Tanner crab gear limits are in effect in Registration Area A:

(1) no more than 80 Tanner crab pots may be operated from a vessel registered to fish for Tanner crab;

(2) no more than 20 Tanner crab ring nets may be operated from a vessel registered to fish for Tanner crab;

(3) when the commercial golden king crab and Tanner crab seasons are open in Registration Area A at the same time, an aggregate of no more than 80 king and Tanner crab pots may be operated from a vessel to fish for both king and Tanner crab;

5 AAC 34.125. Lawful gear for Registration Area A.

(b) The following king crab pot limits are in effect in Registration Area A:

(1) during the commercial red king crab season, the maximum number of king crab pots that may be operated from a vessel registered to fish for king crab is as follows:

(A) no more than 20 king crab pots when the guideline harvest level is at least 200,000 but not more than 399,999 pounds;

(2) when the commercial golden king crab season is open in Registration Area A, and the commercial red king crab or Tanner crab season is closed, no more than 100 king crab pots may be operated from a vessel registered to fish for king crab;

(3) when the commercial golden king crab and Tanner crab seasons are open in Registration Area A at the same time, an aggregate of no more than 80 king and Tanner crab pots may be operated from a vessel registered to fish for both king crab and Tanner crab;

WHAT WOULD BE THE EFFECTS IF THE PROPOSAL IS ADOPTED? Permitting the stacking of permits on one vessel may potentially allow more economically efficient harvest operations for individuals by reducing operation costs. Another effect is that effort may be reduced by decreasing the number of pots operated; however, the opposite effect of increased effort may occur if inactive permits become active to take advantage of a more economical method of harvesting.

BACKGROUND: In 1973 a pot limit of 60 was implemented for the Tanner fishery in all inside waters. In 1977 a 100-pot limit was put into effect in Southeast Alaska. Trawl gear was dropped as legal gear in 1977 leaving only pots and ring nets as legal gear options. In 1990 the number of ring nets was limited to 20 per vessel, ring net marking requirements were defined, and the allowable ring net harvest was capped at four percent of the total harvest. At the 1996 Board meeting, the department had recommended reducing the pot limit to 50. The Board adopted an 80-pot limit. This new limit was implemented starting in the 1997 season.

There were no restrictions on the amount or type of gear that could be fished by a vessel participating in the king crab fishery from 1961 through 1967. A limit of 40 pots per vessel was established for Southeast Alaska waters in 1968. The maximum number of pots per vessel was increased to 60 in 1974. Accurate species composition information was required on fish tickets beginning in January of 1976. In 1978, the maximum number of king crab pots was again increased to 100 pots. This limit continued through the 1987/1988 season. In 1988, the board required a 40-pot limit per vessel specifically for red king crab GHLs between 300,000 and 400,000 pounds and a 100-pot limit specifically for red king crab GHLs above 400,000 pounds. Based on information provided by the department, the board reduced the 40-pot limit in the red king crab fishery to 20 pots in 1993. Current regulations in the red king crab fishery provide for 20 to 50 pots per vessel based on a "sliding scale" system, which depends upon the allowable surplus harvest or GHL. For the golden king crab fishery the 100-pot limit instituted in 1978 remains in effect.

Table 185-1 shows the potential number of permits by permit type available in the Southeast Tanner, red/blue king, and golden king crab limited entry fisheries. The number of permits fished and total harvest in the Tanner, red/blue king crab, and golden king crab fisheries for the last ten seasons are presented in Tables 185-2, 185-3, and 185-4.

DEPARTMENT COMMENTS: The department is **OPPOSED** to this proposal as it pertains to permit stacking in the Tanner crab and golden king crab fisheries. The department is **NEUTRAL** on this proposal as it pertains to permit stacking in the red king crab fishery.

The current limit of 100 pots in the golden king crab fishery makes it difficult to set closures to target GHLs, while allowing adequate time for gear to be moved or stored in consideration of tides and weather. Currently six to eight day's notice is given prior to area closures. Allowing some vessels to fish 150 pots would make it virtually impossible to weigh tidal and weather factors and target fishery area GHLs, while at the same time providing enough notice to the golden king crab fleet on area closures. For some of the areas with smaller GHLs, closure dates would have to be announced pre-season, even before effort levels and level of harvest in those areas were determined. Allowing some vessels to fish 150 pots would result in a less orderly fishery, and would likely result in greatly exceeding targeted GHLs in all seven fishery areas.

For the first time in the 2007/08 season, the department used an abundance-based management strategy for the commercial Tanner fishery. A GHL of 987,000 pounds was targeted. The current limit of 80 pots made it impractical to target this regionwide GHL inseason with daily call-ins. For this reason the department's only management tool to target this GHL was to set the season length pre-season in the core and non-core areas. Allowing some vessels to fish in excess of the 80 pots currently allowed would confound the department's efforts to target sustainable GHLs inseason. If this proposal were adopted it would allow some vessels to fish as many as

120 pots. In providing enough notice to these 120-pot vessels for fishery area closure or closures, the problems associated with managing the Tanner crab fishery by targeting a GHL or GHLs would be exacerbated.

The red king crab fishery is managed inseason to target fishery area GHLs through daily call-ins. Since the Board adopted the 20 to 50 pots per vessel limit on a "sliding scale" system based upon the allowable surplus harvest or GHL, the limit has always been 20-pots per vessel. If permit stacking were allowed in the red king crab fishery and some vessels were to use double the amount of gear currently allowed, it is not expected that this would overly complicate the management of the fishery.

COST ANALYSIS: This proposal is expected to result in reducing the direct cost for the private person to participate.

Table 185-1–Potential permit numbers for Southeast Tanner and king crab limited entry fisheries by species and permit type.

Permit Type	Species	Tanner	Red/Blue King	Golden King
K19A	red king crab		5	
K29A	red/golden king crab		6	6
K39A	golden king crab			8
K49A	red king and Tanner crab	14	14	
K59A	golden king and Tanner	5		5
K69A	red/golden king and Tanner crab	28	28	28
T19A	Tanner crab	22		
IEP's**		18	13	13
Total		87	66	60

***** Current information on numbers of permits as of October 27, 2008.

******Number of interim entry permits of various permutations with that use privilege for that species still under adjudication.

Table 185-2–Number of ring permits fished, pot permits fished, and total harvest in the Southeast Tanner fishery for the 1998/99 through 2007/08 seasons.

Season	Ring Permits Fished	Pot Permits Fished	Total Harvest**
1998/99	87	93	2,164,131
1999/00	110	92	1,706,156
2000/01	80	81	1,295,680
2001/02	57	83	964,836
2002/03	44	67	804,234
2003/04	30	68	832,158
2004/05	21	60	804,035
2005/06	19	53	886,521
2006/07	19	57	927,900
2007/08*	18	49	605,062
Average	49	70	1,099,071

*Most recent season's data should be considered preliminary.

**Allowable ring net harvest capped at four percent of the total harvest.

Table 185-3–Number of permits fished and total harvest in the Southeast red/blue king crab fishery for the 1998/99 through 2007/08 seasons.

Season	Permits Fished	Total Harvest
1998/99	No Fishery	-
1999/00	77	289,548
2000/01	No Fishery	-
2001/02	77	296,967
2002/03	75	233,630
2003/04	67	193,759
2004/05	No Fishery	-
2005/06	58	209,799
2006/07	No Fishery	-
2007/08	No Fishery	-
Average	71	244,741

Table 185-4–Number of permits fished and total harvest in the Southeast golden king crab fishery for the 1998/99 through 2007/08 seasons.

Season	Permits Fished	Total Harvest
1998/99	30	367,782
1999/00	46	560,427
2000/01	45	530,765
2001/02	45	609,510
2002/03	48	562,395
2003/04	45	557,251
2004/05	42	557,725
2005/06	37	563,615
2006/07	34	581,101
2007/08*	33	638,582
Average	41	552,915

* Most recent season's data should be considered preliminary.

PROPOSAL 186: **5AAC 77.666 PERSONAL USE TANNER CRAB FISHERY; 5AAC 77.616. PERSONAL USE TANNER CRAB FISHERY; 5AAC 02.125. SUBSISTENCE TANNER CRAB FISHERY; 5 AAC 47.035. METHODS, MEANS, AND GENERAL PROVISIONS – SHELLFISH.**

PROPOSED BY: Alaska Department of Fish and Game.

WHAT WOULD THE PROPOSAL DO? Require escape mechanisms for all pots used for personal use, sport, and subsistence Tanner crab fisheries in Southeast Alaska and Yakutat.

WHAT ARE THE CURRENT REGULATIONS? Although 5 AAC 39.145 requires that all shellfish and bottomfish pots include an escape mechanism intended for lost pots, there are no regulations in 5 AAC 77.666, 5 AAC 77.616, 5 AAC 02.125, and 5 AAC 47.035 that require escape rings in Tanner crab pots used for personal use, sport, or subsistence.

WHAT WOULD BE THE EFFECTS IF THE PROPOSAL IS ADOPTED? It would allow undersized Tanner crabs to escape and reduce unnecessary handling.

BACKGROUND: Escape rings have been used in other Southeast Alaska and Yakutat shellfish fisheries for many years. Fisheries where escape ring requirements are in regulation include Southeast Alaska and Yakutat personal use fisheries for Dungeness and king crab; Southeast Alaska and Yakutat subsistence fisheries for Dungeness crab; Yakutat subsistence fisheries for king crab; Southeast Alaska and Yakutat commercial fisheries for Tanner, Dungeness, and king crab.

DEPARTMENT COMMENTS: The department submitted and **SUPPORTS** this proposal. It is likely that many pots used for personal use, sport, and subsistence Tanner crab are soaked for long periods as typical participants in those fisheries set pots for days at a time before retrieving. Escape rings are believed to be particularly effective with extended soak times.

COST ANALYSIS: Participants in personal use, sport, and subsistence Tanner crab fisheries would incur the expense of installing escape rings in their pots.

PROPOSAL 187: 5 AAC 38.167. FISHING SEASON FOR SCALLOPS IN REGISTRATION AREA D.

PROPOSED BY: Alaska Scallop Association.

WHAT WOULD THE PROPOSAL DO? This proposal would move the opening date of the scallop fishery in Registration Area D and District 16 from July 1 to June 1.

WHAT ARE THE CURRENT REGULATIONS? 5 AAC 38.167. Fishing seasons for scallops in Registration Area D. In Scallop Registration Area D, described in 5 AAC 38.076(b) (2), weathervane scallops may be taken only from July 1 through February 15 unless the season is closed by emergency order. When the season is closed under 5 AAC 38.168, 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.

WHAT WOULD BE THE EFFECTS IF THE PROPOSAL IS ADOPTED? Vessels participating in the Registration Area D and District 16 scallop fishery would have an additional month to harvest scallops. The scallop fishery in these areas would occur during the scallop spawning period.

BACKGROUND: The July 1 through February 15 scallop season was first set in the Westward Region at the 2004 Board meeting. In 2007, this regulatory season was established in all registration areas of the state except Cook Inlet. These season dates were established to protect molting and mating crab, but have the added benefit of not disturbing scallops during their spawning period of May through early-July.

The department requires onboard observers on all vessels participating in the scallop fishery. Observer training classes are currently scheduled in June of each year so that qualified observers are available for the July 1 opening date.

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

A June fishery would overlap the scallop spawning season. In addition, trained observers will likely not be available for a June 1 start date. In the past six seasons, fishing has occurred in July only twice and during both those years, fishing operations were completed by the end of October (Table 187-1).

COST ANALYSIS: This proposal is not expected to result in additional direct cost for the private person to participate.

Table 187-1–Scallop fishing activity in Registration Area D and District 16, 1998/99–2008/09 seasons.

Season	March - June	July	August	September	October	November	December	January	February
1998/99									
1999/00									
2000/01									
2001/02									
2002/03									
2003/04									
2004/05									
2005/06									
2006/07									
2007/08									
2008/09									

	Closed Season
	Fishing Activity
	No Fishing Activity

PROPOSAL 188: 5AAC 38.142. SOUTHEASTERN ALASKA GEODUCK FISHERY MANAGEMENT PLAN.

PROPOSED BY: Sitka Geoduck Marketing Association.

WHAT WOULD THE PROPOSAL DO? This proposal would reorganize the existing geoduck fishery management regime to establish an equal share geoduck fishery.

This proposal would allocate the regional guideline harvest level (GHL) each season equally, but only among limited entry permit holders who register by a date established in regulation. After the Southeast Alaska Regional Dive Fisheries Association (SARDFA) determines the season start date and sets a weekly maximum harvest poundage and the Alaska Department of Environmental Conservation (ADEC) conducts paralytic shellfish poisoning (PSP) sampling to certify which areas can be opened for live sales, the department would conduct exclusive area eligibility registrations each week and register individual divers' requested harvest amounts for that week. After the weekly registration, the department would adjust individual divers' harvest amounts downward, if necessary, consistent with the number of divers registered in an area and the poundage available for that area. Divers could harvest during the two or three available days of the ADEC—determined harvest window and according to time, area, and individual harvest limits determined by the department under EO authority. Toward the season's end, SARDFA would determine a season end date, based on the department's projection of the available GHL in the remaining open areas. A final registration, or series of weekly registrations, would be conducted to conclude the season by the season end date.

WHAT ARE THE CURRENT REGULATIONS? The current regulations guiding the fishery are contained in 5AAC 38.142. Southeastern Alaska Geoduck Fishery Management Plan. The season is October 1–September 30. GHLs are set for each area based on department dive surveys. Fishing periods are established by EO. The department may consider PSP levels when opening areas in order to maximize product value through live sales. The department has authority to establish harvests limits and to require logbooks. **5AAC 38.146. Registration Requirements for Red Sea Urchins, Sea Cucumbers, and Geoduck Clams in Registration Area A** (b) requires vessel registration and (a) provides the department the option to register CFEC permit holders for one specific geoduck bed at a time. PSP sampling and testing is regulated by ADEC.

WHAT WOULD BE THE EFFECTS IF THE PROPOSAL IS ADOPTED? This proposal would require ADF&G, SARDFA, ADEC, and Alaska Wildlife Troopers (AWT) to follow a rigid weekly management protocol in order to provide for an equal share fishery. In addition to managing the fishery to limit harvests to GHLs provided, ADF&G would need to establish a system to track individual divers' progress toward their seasonal equal share harvests limits, as well as weekly harvest amounts that were "adjusted" for specific areas. AWT or ADF&G would need to enforce that seasonal shares and weekly harvests were within these limits and would

need to verify that divers were diving only in the specific areas where they were registered to dive. A procedure for handling of overages would need to be established.

The major benefit of the proposal would be to maximize the economic value of the fishery. Value would be maximized by rigidly regulating harvests on a weekly basis to provide for more orderly marketing and shipping of live clams and reducing the probability of placing a significant quantity of clams on the market all at once. As stated in the proposal, additional benefits might include improvements in product quality or reputation and increased diver safety.

Fishermen and companies who do better in a competitive environment may sacrifice harvest share through redistribution of harvests. It is unclear how regulated weekly regional and individual harvest amounts, shipping capacity, competing markets, changing markets, rising fuel costs, other economic factors, or shipping capacity will change over time. Fishermen would need to commit to harvesting in a specific area each week by a specified time or effort levels could be exceedingly high or low in certain areas.

The department would need to spend considerably more time managing the geoduck fishery than under the current system, which would require funding new management and clerical positions. Weekly registrations would require direct and multiple weekly contact with up to 105 limited entry permit holders, and increased and regular contact between the department and SARDFA. The time spent on the registration procedure, any delay in the PSP area certification procedure, the time for advanced notification before a fishery, and the time for travel to remote fishing grounds, may all reduce the time available for fishing within the three-day window after PSP certification unless all are precisely coordinated. When some areas are sampled out of synchronization with other areas, or problems arise with shipments of samples, or ADEC testing schedules, then areawide registrations might already have occurred or fisheries might already have been announced. Due to expected time crunches associated with registrations, the PSP sampling program would need to be improved for greater reliability and timelier reporting.

BACKGROUND: The geoduck fishery is presently managed each week to provide maximum opportunity to harvest and market live clams. SARDFA contracts divers to collect geoduck samples on Saturday or Sunday each week. Time and location of sampling may be verified through observation by ADEC. Samples are shipped direct to ADEC's Palmer lab for analysis of PSP levels. ADEC generally analyzes samples on Monday or Tuesday and notifies both SARDFA and ADF&G if areas from which samples originated are certified for live sale. As soon as results are available, ADF&G issues a news release announcing fishing periods based on PSP results, expected effort and harvest rates, and the remaining GHL for each area. The day following the announcement is considered a travel day and fisheries generally occur on Wednesday and/or Thursday for six hours. In the Ketchikan area, ADEC area certification expires 3 days after testing following the Thursday harvest period. In the Sitka area, ADEC certifications expire after seven days. This cycle repeats weekly from October or November through April until the GHLs from all 19 areas managed throughout the region have been harvested. There is a provision to open areas at the end of the season for the lower-valued, processed clam market if GHLs are not harvested earlier for live market sale.

Table 188-1 presents summary information for the geoduck fishery including: GHL, harvest, annual effort, calendar days open for harvest, reported prices, ex-vessel values, and average earnings from 1985/86 to 2007/08. Price information, however, is inconsistently provided to the department on fish tickets so may underestimate the value of the fishery. GHLs have increased during recent years as new areas have been surveyed and added for harvest. Price, ex-vessel value, and average earnings have increased during recent years with a notable increase in 2003/04. Pre-fishery PSP evaluation and area certification for live sales began during that season and since that time, 90 to 100% of clams have been sold on the live market.

Table 188-2 shows the harvest of geoduck clams in pounds by week over the past five years, since 2003/04, when the fishery was managed for live harvests. Note that the fishery now begins in week 40, in early October, and is opened weekly until the GHLs have been harvested, as late as week 20, in mid-May.

DEPARTMENT COMMENTS: The department is **NEUTRAL** on the allocative aspects of this proposal.

The harvest by week data in Table 188-2 is not consistent with characterization of the present fishery as a "derby."

The department is concerned that equal quota shares may encourage high grading of geoducks to maximize marketability and value. Quality of product may be influenced by substrate type, which affects shell color, or by size. If permit holders are guaranteed an equal quota share, there is greater incentive to maximize value by selecting the highest quality geoducks and discarding those of lesser quality, thereby increasing the fishing mortality rate.

If this proposal is adopted the department could not manage the fishery as proposed without a budget increment to cover significant additional personnel and operating costs. Without an increment to cover the increased costs associated with this proposal, management of other ongoing fisheries might be compromised or the rigorous demands of the new equal share fishery may not be realized. An initial estimate for additional personnel needed to implement an equal quota share fishery as proposed would be a Fishery Biologist II and an Administrative Clerk III.

COST ANALYSIS: Additional fishing-related expenses and reduced weekly harvests associated with equal shares or area adjusted weekly shares and a slower paced fishery might be offset by increased prices. There could also be additional cost for other state agencies, specifically the Department of Environmental Conservation, if this proposal is adopted.

Table 188-1–Registration Area A (Southeast Alaska) commercial geoduck harvests, effort, value and season length, 1985–86 through 2007–08.

Season[a]	Guideline Harvest Level (lb)	Total Pounds Landed	Average Price per Pound[b]	Estimated Exvessel Value[b]	Number of Divers	Number of Landings	Total Days Open	Average Pounds per Diver	Average Earnings per Diver[b]
1985–86	[c]	143,868	$0.21	$29,821	8	40	240	17,984	$3,728
1986–87	[c]	28,191	$0.25	$7,045	3	9	240	9,397	$2,348
1987–88	125,000	185,674	$0.30	$55,702	6	156	240	30,946	$9,284
1988–89	189,232	143,188	$0.49	$70,291	9	127	240	15,910	$7,810
1989–90	199,000	207,083	$0.51	$106,635	18	165	240	11,505	$5,924
1990–91	196,000	189,585	$0.51	$96,119	15	130	176	12,639	$6,408
1991–92	219,000	193,074	$0.66	$127,784	20	131	33	9,654	$6,389
1992–93	196,000	189,379	$1.11	$210,828	22	109	19	8,608	$9,583
1993–94	219,000	209,322	$1.50	$315,001	40	115	11	5,233	$7,875
1994–95	195,000	197,246	$1.85	$364,754	64	190	14	3,082	$5,699
1995–96	209,000	229,681	$2.03	$465,417	109	401	10	2,107	$4,270
1996–97	196,000	203,017	$2.57	$522,585	97	359	6	2,093	$5,387
1997–98	196,000	180,443	$3.89	$702,097	110	312	3	1,640	$6,383
1998–99	112,500	111,311	$2.13	$237,088	98	206	66	1,136	$2,419
1999–00	250,400	202,260	$1.60	$323,589	61	240	50	3,316	$5,305
2000–01	391,100	438,334	$1.06	$465,320	74	543	148	5,923	$6,288
2001–02	285,322	283,405	$0.72	$203,408	37	324	78	7,660	$5,498
2002–03	382,100	392,406	$1.69	$662,320	50	537	35	7,848	$13,246
2003–04	341,000	377,584	$2.87	$1,082,203	49	482	25	7,706	$22,086
2004–05[d]	477,000	535,516	$3.93	$2,104,995	60	724	24	8,925	$35,083
2005–06[d]	403,800	436,040	$2.04	$887,402	64	550	51	6,813	$13,866
2006–07[d]	687,100	726,866	$3.88	$2,819,219	66	814	42	11,013	$42,715
2007–08[d]	590,800	610,807	$3.12	$1,905,718	59	674	42	10,353	$32,300

[a] Season = October 1 thru September 30.

[b] Average price data is based entirely on ADF&G fish ticket data. Note: 1985–2000 prices were reported for 90% of total pounds landed, however from 2001 to 2006 prices were reported for only 35% of total pounds landed.

[c] Five-year, 300,000 pound GHL in three areas.

[d] Mariculture site fisheries are not included.

Table 188-2–Geoduck clam harvests in pounds by week for the 2003/04–2007/08 seasons.

	Season				
Stat Week	2003/04	2004/05	2005/06	2006/07	2007/08
40				38,016	54,075
41				33,055	50,160
42				47,929	55,156
43				48,178	46,009
44				48,839	62,529
45		12,313	54,070	52,869	46,157
46		52,273	50,442	54,967	20,078
47		45,028	77,073		
48		72,217		27,032	57,502
49		39,509	26,554	72,327	88,952
50	15,546	3,574	13,291	8,743	23,115
51	24,775		4,426		
52		39,513	1,017		
53		26,601	773		
1	2,955		17,737	67,312	13,889
2	46,609	1,116	2,232	93,334	20,263
3	49,081	14,171		2,224	28,180
4	40,127	13,480	1,484	1,760	21,644
5	56,852	62,081	8,853	52,259	2,291
6	65,040	7,058	36,402	37,097	1,400
7	22,857	731	25,503	14,583	2,434
8	7,780		2,559	17,462	
9		61,930	3,632	8,880	1,216
10		12,564	1,743		4,314
11	15,622	8,315	23,814		8,100
13		4,958			
14		465			3,343
15		1,870			
16		55,749			
19			84,435		
20	30,340				
Total Harvest	377,584	535,516	436,040	726,866	610,807
GHL	341,000	477,000	403,800	687,100	590,800

PROPOSAL 189: 5AAC 38.142. SOUTHEASTERN ALASKA GEODUCK FISHERY MANAGEMENT PLAN.

PROPOSED BY: Sitka Geoduck Marketing Association.

WHAT WOULD THE PROPOSAL DO? This proposal would change the season dates in the management plan to July 1 – June 30.

WHAT ARE THE CURRENT REGULATIONS? 5AAC 38.142. (c) From October 1 through September 30, geoducks may be taken only during fishing periods established by emergency order.

WHAT WOULD BE THE EFFECTS IF THE PROPOSAL IS ADOPTED? The intent of the proposal is to increase marketing opportunities during July, August, and September by harvesting available GHL during those months, if possible. If adopted, SARDFA would need to expend some of the geoduck harvester's 5% assessment tax revenues on contracts with divers to sample PSP levels during the summer months. Areas meeting the ADEC live sale standards could then be opened by ADF&G for harvest. If geoduck clams could be marketed earlier in the season, then the value of those clams could potentially be increased. Progress toward the harvest of GHLs might start earlier and individual fisheries or the season might close earlier, depending on summer PSP levels and effort levels during summer months. Some geoduck fishermen who now participate in other summer fisheries may not be able to fish geoducks in July, August, or September before some of the GHLs are taken, so this proposal may reallocate among those now participating in the fishery.

BACKGROUND: The geoduck clam fishery has opened in the fall since the fishery began in 1985. The current season was established with 5AAC 38.142, Southeastern Alaska Geoduck Fishery Management Plan, which was developed in cooperation with SARDFA before adoption by the Board in January of 2000. For the past three seasons the fishery has opened in early October and for the prior three seasons in November or December. With these start dates and provisions to harvest clams for the processed market at the end of the season, all GHLs have been harvested by early April to mid-May over the past five years (Table 188-2). Fishing periods are established by EO and announced by news release. Although areas can initially be opened at any time throughout the year, the department works closely with SARDFA to provide fishing periods when the industry, as represented by SARDFA, would prefer to harvest the clams.

DEPARTMENT COMMENTS: The department is **NEUTRAL** on this proposal.

The department does have concerns related to the availability of existing management staff if the geoduck fisheries were opened in the summer months instead of the fall and winter months as they have been historically. This is because managers are fully occupied managing salmon fisheries during the summer months. Also, if stock assessments are not completed until September each year, then only those areas surveyed the prior year could be opened during the summer portion of the season so there would be a one year lag for new areas to be opened for the earlier season.

COST ANALYSIS: The department could not manage the geoduck fisheries in the summer months without additional funding to cover the costs of additional management and clerical staff. An initial estimate for additional personnel needed to implement an equal quota share fishery as proposed would be a Fishery Biologist II and an Administrative Clerk III.

PROPOSAL 190: 5AAC 38.142. SOUTHEASTERN ALASKA GEODUCK FISHERY MANAGEMENT PLAN.

PROPOSED BY: Sitka Geoduck Marketing Association.

WHAT WOULD THE PROPOSAL DO? This proposal would reorganize the existing geoduck fishery management regime to establish the fishery around regionwide trip limits for each week, which may be adjusted for specific areas.

This proposal is similar to Proposal 188 in its intent and also in the management procedures. This proposal is different than Proposal 188 (which provides for equal shares for the entire season) in that there would not be a pre-season eligibility registration deadline. In both cases SARDFA would determine when to start the season and would establish regional weekly harvest limits. ADEC testing would determine which areas would be opened for live sales each week. Under this proposal, divers would declare during weekly registrations where they would harvest. ADF&G would then determine the weekly trip limit based on the regional weekly harvest limit and regional effort. ADF&G would further determine trip limits for specific management areas adjusted to effort for the area and GHL available. The department would then issue the weekly regional trip limits and area-adjusted trip limits in a news release and by EO. Divers could harvest each week during the two or three available days in Ketchikan or the seven days in Sitka when they would harvest, market, and ship product.

There are no special provisions in this proposal for ending of the season as there are in Proposal 188.

WHAT ARE THE CURRENT REGULATIONS? See short summary under Proposal 188. Under **5AAC 38.146. (c)** geoduck divers may be required to register for one geoduck bed at a time and **5AAC 38.142 (k)** allows for establishing a maximum amount of geoducks that may be harvested during a fishing period. The combination of these two provisions has been used sparingly (for conservation) to ensure that harvests in specific areas with small remaining GHLs were not exceeded. Current regulation would also allow them to be used for development of the fishery; however, setting of regionwide trip limits implies allocation among harvesters and is beyond the intent of this current regulation.

WHAT WOULD BE THE EFFECTS IF THE PROPOSAL IS ADOPTED? See comments for Proposal 188. The effects are the same with equal share or trip limits.

BACKGROUND: See Proposal 188 and associated tables.

DEPARTMENT COMMENTS: The department is **NEUTRAL** on this allocative proposal.

The department does have concerns related to the additional management and administrative burdens associated with this proposal. An initial estimate for additional personnel needed would be a Biologist II and an Administrative Clerk III.

COST ANALYSIS: There would likely be additional fishing related expenses and reduced weekly harvests associated with trip limits that might be offset by increased prices. There could also be additional cost for other state agencies, specifically the Department of Environmental Conservation, if this proposal is adopted.

PROPOSAL 191: 5AAC 38.142. SOUTHEASTERN ALASKA GEODUCK FISHERY MANAGEMENT PLAN.

PROPOSED BY: Sitka Geoduck Marketing Association.

WHAT WOULD THE PROPOSAL DO? This proposal would divide the current Southeastern Alaska geoduck clam fishery into two fisheries: a competitive fishery and an equal shares fishery. Before each season Commercial Fisheries Entry Commission (CFEC) permit holders would be required to register for either the new equal shares fishery or the derby-style fishery. After a set time period, the number of CFEC permit holders registered for each fishery would determine how much quota was allocated to each fishery.

The derby-style geoduck clam fishery would then be managed like the current geoduck clam fishery. Only those CFEC permit holders who registered for the competitive fishery, before the division of quota, would be allowed to participate in the competitive fishery.

The new equal shares fishery would divide the quota that was allocated to them among the CFEC permit holders who registered for the equal shares fishery. Participants in the equal shares fishery would then have to register with the department for a specific bed once weekly paralytic shellfish poison (PSP) results are available. The department would then determine the amount of geoduck clams each participant would be allowed to harvest that week.

WHAT ARE THE CURRENT REGULATIONS? There is currently only one registration area for Southeast Alaska, with a division based on which office manages a given area. Any Southeastern Alaska geoduck clam CFEC permit holder may register in either Sitka or Ketchikan and harvest geoducks in those areas during periods established by emergency order. The current fishery is a competitive fishery, which is managed based on PSP toxin levels. The season quota is distributed throughout smaller areas based on the distribution of geoduck clams. Each of these areas is tested for PSP toxin and the results determine if the area will be open for live sale that week.

WHAT WOULD BE THE EFFECTS IF THE PROPOSAL IS ADOPTED? There would be two fisheries: one following the regulations for the equal shares fishery and one following the regulations of the competitive fishery. The size of quota allocated to each of these fisheries would be dependant on the number of CFEC permit holders which register for each fishery. For a more detailed discussion of the benefits and difficulties of an equal shares fishery please see comments in the briefing document for Proposal 188. The size of the quota allocated to each fishery would be changed by a dividing line between the two fisheries. The southern end of the line is adjusted dependant on the number of CFEC permit holders registered for each fishery (Figure 191-1).

BACKGROUND: See the briefing document for Proposal 188 and associated tables.

DEPARTMENT COMMENTS: The department is **NEUTRAL** on this allocative proposal. See department comments included with Proposal 188 for expected costs and needs if this proposal is adopted.

COST ANALYSIS: By allocating some of the total pounds to an equal shares fishery, that portion of the harvest will be unavailable to fishermen who do not register for the equal shares fishery. Likewise, the portion of the total pounds allocated to the derby style fishery will be unavailable to fishermen who register for the equal shares fishery.

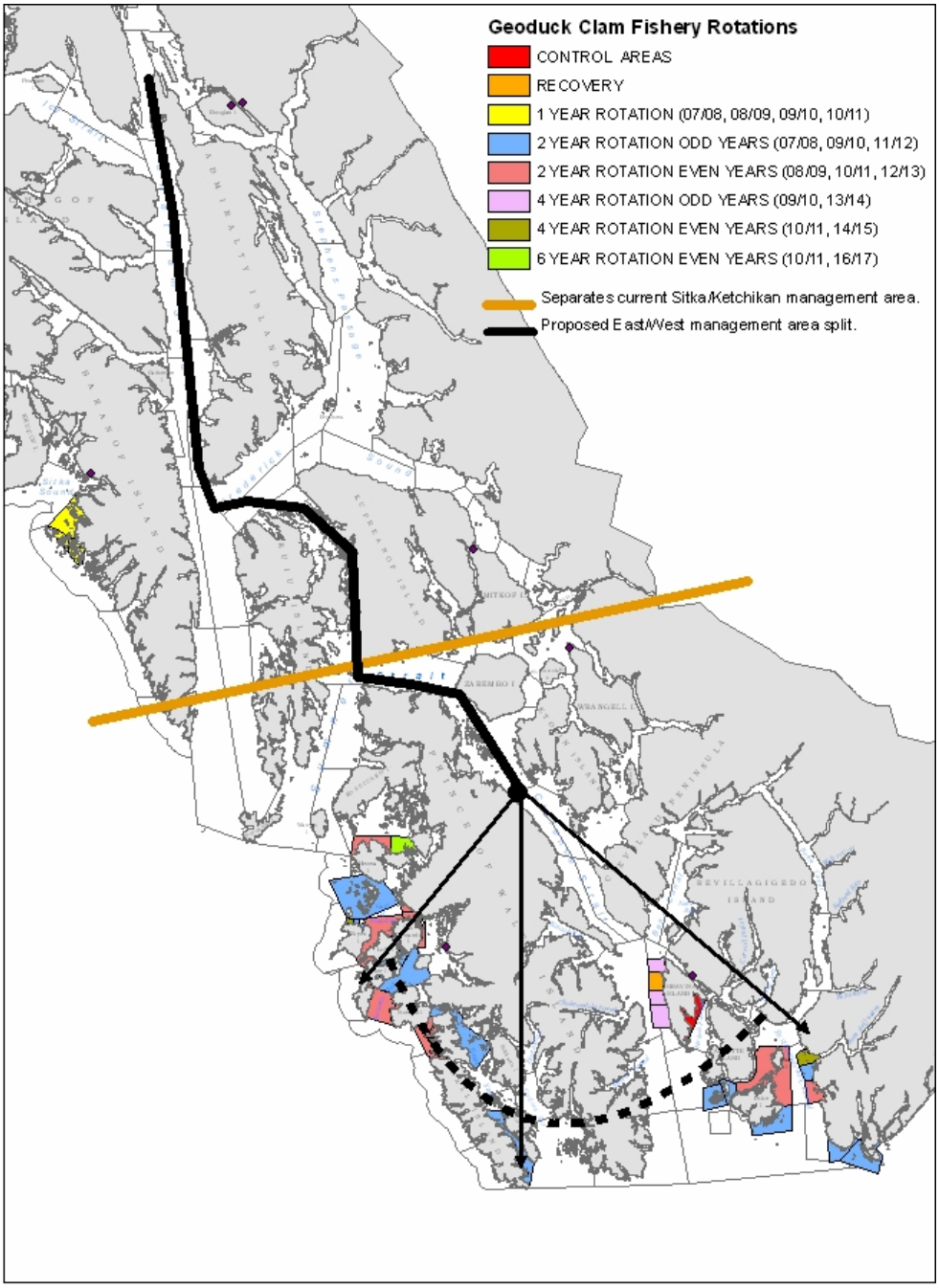

Figure 191-1–Current geoduck clam harvest areas and management areas with some proposed division line examples.

PROPOSAL 192: 5AAC 38.146. REGISTRATION REQUIREMENTS FOR RED SEA URCHINS, SEA CUCUMBERS, AND GEODUCK CLAMS IN REGISTRATION AREA A.

PROPOSED BY: Alaska Department of Fish and Game.

WHAT WOULD THE PROPOSAL DO? This proposal would define separate geoduck registration areas for Northern and Southern Southeastern Alaska, require Commercial Fisheries Entry Commission (CFEC) permit holders to register for one of these areas, and allow the Alaska Department of Fish and Game (ADF&G) to require area specific registration (instead of bed-specific registration).

WHAT ARE THE CURRENT REGULATIONS? **5AAC 38.146. Registration Requirements for Red Sea Urchins, Sea Cucumbers, and Geoduck Clams in Registration Area A**. (a) establishes Area A including all of Southeast Alaska as the registration area; (b) establishes the registration year as October 1–September 30 for geoducks; (c) allows ADF&G to require CFEC permit holder registration for one specific geoduck bed and re-registration before fishing in another bed; and (d) requires vessel registration. Under current regulations when CFEC permit holders are registered they may register to fish in only one geoduck bed at a time. They must contact ADF&G and unregister for their current bed and reregister for another bed before harvesting in a new area.

WHAT WOULD BE THE EFFECTS IF THE PROPOSAL IS ADOPTED? This proposal would remove bed registration requirements and require CFEC permit holders to register for the management area where they wish to fish, either for Southern Southeast Alaska or Northern Southeast Alaska. Since the Northern and Southern areas are now managed by different ADF&G area offices, this would allow managers to know how many CFEC permit holders may fish in the area they are managing. CFEC permit holders could adjust efforts based on the results of paralytic shellfish poison (PSP) samples taken by the Southeast Alaska Dive Fisheries Association (SARDFA) without the need to register or un-register for each bed. ADF&G,when necessary, could then require registration for specific areas being managed, for small guideline harvest levels, and trip limits under 5AAC 38.142 (k).

BACKGROUND: The current Southeast Alaska geoduck clam fishery is managed by close cooperation between the ADF&G, SARDFA, and the Alaska Department of Environmental Conservation (ADEC).

Contractors, paid for by SARDFA and overseen by ADEC, collect PSP samples, which are then processed by the ADEC lab in Palmer. Based on the results of the PSP test, ADEC can certify an area for live sale of geoduck clams. This information is then used by ADF&G to announce open periods for harvest of geoduck clams. In the areas near Ketchikan, certification for live sale is valid for three days. In the areas near Sitka, certification for live sale is valid for seven days. The first day of certification is used as a travel day allowing CFEC permit holders to travel to areas before they open for harvest.

In the Ketchikan area, this requires that permit holders contact ADF&G after the PSP sample results are known, but before the fishery would be allowed to be open. Currently, once an area is certified for live sale by ADEC, ADF&G issues a news release within 24 hours.

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

COST ANALYSIS: No additional cost would be incurred by the harvesters if this proposal were adopted. If the proposal were not adopted some travel and contact costs would increase since harvesters would be required to contact the department if the area they registered for harvest were to not be certified for live sale.

PROPOSAL 193: 5AAC 38.142. SOUTHEASTERN ALASKA GEODUCK FISHERY MANAGEMENT PLAN.

PROPOSED BY: Alaska Department of Fish and Game.

WHAT WOULD THE PROPOSAL DO? This proposal would correct the closed waters section for the commercial harvest of geoduck clams in District 13.

In addition to the language shown in the proposal book, the department would also like to include modification of 5 AAC 38.142(l)(3)(B). The department offers the following substitute regulatory language:

5 AAC 38.142(1) Southeastern Alaska Geoduck Fishery Management Plan. Amend the regulation as follows:

(3) (A) waters of Kliuchevoi Bay east of a line from **56** º **[55] 50.40'N. lat.,135** º **22.52 W. long.**

(3) (B) waters of within the unnamed bay located southeast of Frosty Reef east of a line from 56 º 52.82' N. lat., 135 º 22.93' W. long to 56 º 52.70' N lat., 135 º 22.98' W. long to 56 º 52.6[3]**1**' N lat., 135 º 22. 9[8]**7'** W. long, **and south of the latitude 56º 53.00' N. lat.;**

WHAT ARE THE CURRENT REGULATIONS? 5 AAC 38.142.Southeastern Alaska Geoduck Fishery Management Plan. (l)

(3)(A) waters of Kliuchevoi Bay east of a line from 55º 50.40' N. lat., 135º 22.52' W. long. to 56º 50.20' N. lat., 135º 22.68' W. long.

(3)(B) waters within the unnamed bay located southeast of Frosty Reef east of a line from 56º52.82' N. lat., 135 º22.93' W. long. to 56 º52.70'N. lat., 135 º22.98' W. long., to 56 º52.63' N. lat, 135 º22.98' W. long.

WHAT WOULD BE THE EFFECTS IF THE PROPOSAL IS ADOPTED? This proposal would correct inaccurate language currently in regulation.

BACKGROUND: This area was originally closed by emergency order with the inception of the commercial geoduck fishery in District 13. The ADEC requires that geoduck clams not be harvested for food consumption from Kliuchevoi Bay due to water quality concerns. These waters have never been surveyed or opened to commercial geoduck harvest. Prior to the 2006–

07 commercial fishery, these closed waters were written into every emergency order. During the February 2006 Board of Fisheries meeting in Ketchikan, the board adopted housekeeping Proposal 286, eliminating the need to include these closed waters in emergency orders. This proposal corrects two errors in regulation and is considered housekeeping.

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

COST ANALYSIS: The approval of this proposal is not expected to result in additional direct cost for a private person to participate in this fishery.

PROPOSAL 194: 5AAC 38.140. SOUTHEASTERN ALASKA SEA CUCUMBER MANAGEMENT PLAN.

PROPOSED BY: Alaska Department of Fish and Game.

WHAT WOULD THE PROPOSAL DO? This proposal would allow tenders to operate in the commercial sea cucumber fishery. This would also allow a permit holder who is registered and operating as a tender to participate in the sea cucumber fishery.

Also, as a housekeeping measure, this proposal would correct a mistake with the degrees of longitude in the management plan for a closed waters area in Section 3-A which is incorrect as listed.

WHAT ARE THE CURRENT REGULATIONS? 5AAC 38.140. Southeastern Alaska Sea Cucumber Management Plan.

(d) A person may not land or possess more than 2,000 pounds of eviscerated sea cucumbers during any fishing period established by the department except as provided in this section. Harvest limits may be repealed by emergency order if guideline harvest levels have not been reached.

(k)(3)(A) the waters of Section 3-A that are north and east of a line from Halibut Nose to a point on Sukkwan Island at 55º 09.27' N. lat., 132º 53.77' W. long., north of a line from the southernmost tip of Sukkwan Island to a point on Prince of Wales Island at 54º 59.53' N. lat., ***131º 36.73' W. long***., and west of a line from a point on Prince of Wales Island at 55º 08.95' N. lat., 132º 38.47' W. long., located in Hetta Inlet approximately 1.1 nautical miles northeast of Eek Pt., to a point at 55º 03.25' N. lat., 132º 38.80' W. long., located approximately 0.6 nautical miles west of Lime Point, to a point on Prince of Wales Island at 54º 59.53' N. lat., 132º 36.73' W. long.;

WHAT WOULD BE THE EFFECTS IF THE PROPOSAL IS ADOPTED? If this proposal were adopted it would allow tenders to legally transport more than 2,000 pounds of eviscerated sea cucumbers. It also will allow a permit holder who is registered as a tender to participate in the sea cucumber fishery.

This proposal will also correct inaccurate language in the closed waters description of regulations.

BACKGROUND: The 2,000 pound trip limit adopted by the Board in 1994 was originally intended to slow down the pace of the fishery. This management tool has worked and the sea cucumber fishery has been successfully managed for many years. The original language of this regulation makes it illegal for any one vessel to transport more than their legal limit of sea cucumbers; in this case it would be 4,000 pounds on one vessel with two permit holders. It was not the intent of the Board to make it illegal for the use of tenders in the sea cucumber fishery, nor was it the intent to disallow a tender operator to participate in the fishery if that person also

possesses a CFEC sea cucumber permit. The fishery takes place throughout Southeast Alaska often in remote areas far from the processing plants. The use of tenders allows the product to be delivered to a processing plant faster, resulting in superior product while cutting down on fuel costs for individual dive vessels.

Currently there are areas defined in regulation as closed to the commercial harvest of sea cucumbers. The closed waters description was adopted by the Board, but the area was described inaccurately.

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

COST ANALYSIS: The department does not believe that approval of this proposal will result in any additional direct cost for a private person to participate in this fishery.

PROPOSAL 195: 5AAC 38.140 SOUTHEASTERN ALASKA SEA CUCUMBER MANAGEMENT PLAN.

PROPOSED BY: Klawock Fish and Game Advisory Committee.

WHAT WOULD THE PROPOSAL DO? This proposal would restore the original Craig/Klawock closed waters description and eliminate a portion of the commercial sea cucumber fishery the Board adopted in 2006.

WHAT ARE THE CURRENT REGULATIONS? 5AAC 38.140. Southeastern Alaska Sea Cucumber Management Plan. (k)(3)(B) These are the current closed waters in the Craig/Klawock area:

(i) east of a line from a point on Prince of Wales Island located at 55º 34.56' N. lat., 133º 13.65' W. long. to Fern Reef buoy, to Point Eugenia and north of a line from the northernmost tip of Point Miliflores to Point Miraballes and including those waters of Port St. Nicholas.

(ii) the waters of Port Caldera, Prince of Wales shoreline, and contiguous waters east of 133º 13.63' W. long. and west of 133º 07.00' W. long.

5AAC 02.108. Customary and traditional subsistence uses of shellfish stocks.

(a) The Alaska Board of Fisheries finds that the following shellfish stocks are customarily and traditionally taken or used for subsistence:

(3) shellfish, except shrimp, king crab, and Tanner crab,

(F) in the waters of Section 3-A and 3-B.

WHAT WOULD BE THE EFFECTS IF THE PROPOSAL IS ADOPTED? This closed area would be enlarged and set aside for subsistence harvest and the existing commercial fishery would no longer be available. Figure 195-1 shows the original closed waters area and the closed area that was adopted in 2006. The proposal is written to move the closed waters boundary back to the northern end of St. Phillips Island and states that this was the original boundary; however, the original boundary was the southern end of St. Phillips Island. It is unclear if the intent was to leave the southern portion of the closed waters as is currently defined or if the entire area should be moved back to the original boundary.

BACKGROUND: Waters closed to the commercial harvest of sea cucumbers were adopted by the Board during its January/February 1991 meeting where the sea cucumber management plan was adopted. Closed waters were originally established to serve as unexploited control areas for fishery evaluations by providing undisturbed populations for study of ecological relations and life history events. Closed waters also serve to satisfy subsistence and personal use needs by providing an area that is closed to commercial harvest that is accessible to adjacent communities.

The department established a control site in portions of this closed area in 1998 and has resurveyed the site every year since. During the 2006 Board cycle, the Southeast Alaska Regional Dive Fisheries Association (SARDFA) proposed opening a portion of the closed waters around Craig/Klawock for commercial fishing. The department described the closed water boundaries that would not compromise the control site while still leaving an area closed for subsistence in the area and the Board adopted this area into regulation.

The department conducted biomass assessment surveys of this area in the summer of 2006 and the area was open to commercial harvest during the 2006–07 sea cucumber season. The guideline harvest level for this area was 77,500 lbs with a harvest of 78,975 lbs. The department conducted household surveys in Klawock in 1998. In Klawock the estimated total subsistence harvest of sea cucumbers was 6,443 pounds or almost 8 pounds per capita. The current and proposed closed areas are within Section 3-B.

DEPARTMENT COMMENTS: The department is **NEUTRAL** on this allocative proposal.

COST ANALYSIS: The department does not believe that approval of this fishery will result in any additional direct cost for a private person to participate in this fishery.

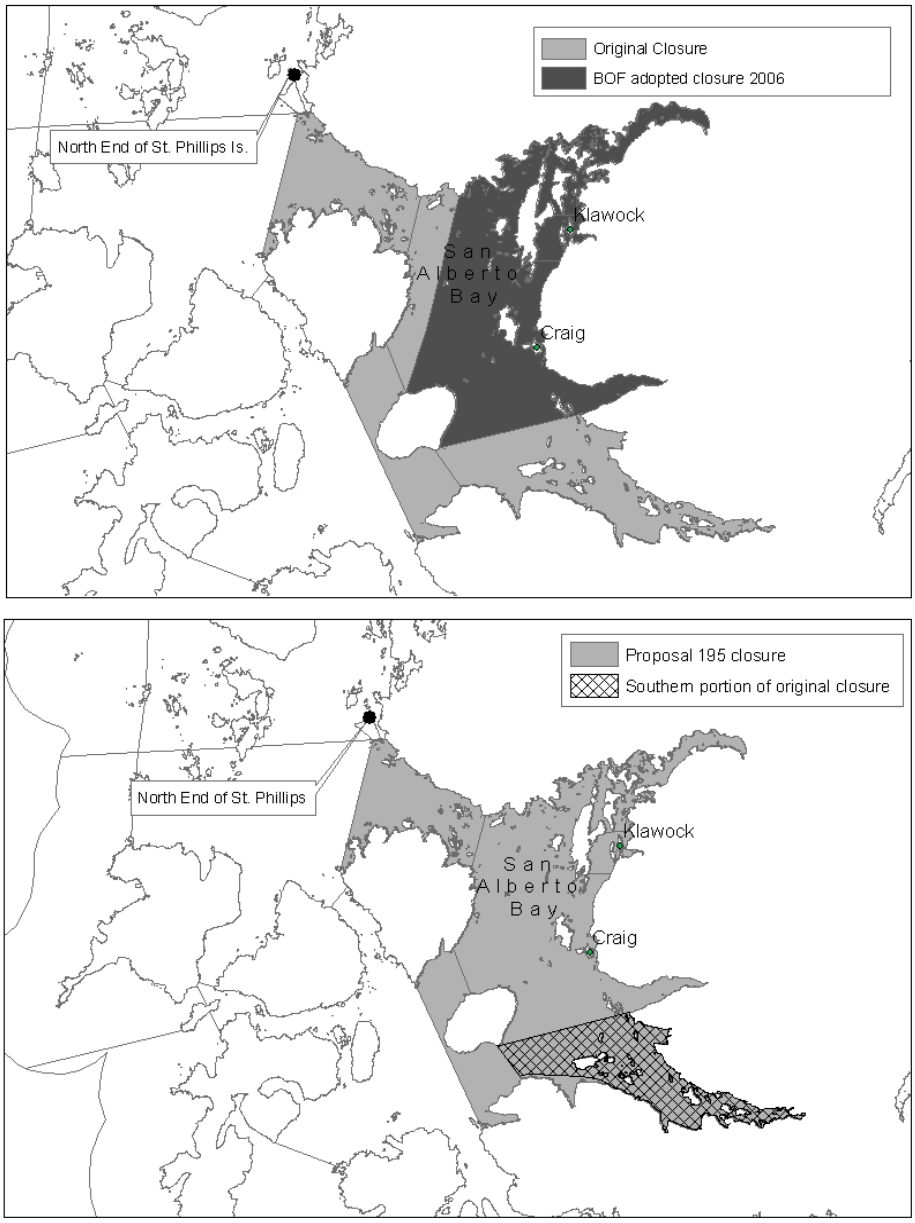

Figure 195-1–Area in Craig/Klawock proposed to be closed to the commercial harvest of sea cucumbers. It is unclear if the proposals intent wishes to move the southern portion of the closed waters back to its original boundary. All existing and proposed closed areas are within Section 3-B.

PROPOSAL 196: 5AAC 38.140 SOUTHEASTERN ALASKA SEA CUCUMBER MANAGEMENT PLAN (k)(1)(B).

PROPOSED BY: Southeast Alaska Regional Dive Fisheries Association (SARDFA).

WHAT WOULD THE PROPOSAL DO? This proposal would re-open the Clover Pass area in West Behm Canal to the commercial harvest of sea cucumbers. This area was closed to the commercial harvest of all shellfish during the 2000 Board meeting.

WHAT ARE THE CURRENT REGULATIONS? Current regulations close the Clover Pass area to the commercial harvest of sea cucumber. **5AAC 38.140 (k)(1)(B)** waters east of a line from Indian Point at 55°36.85' N. latitude, 131°42.02' W. longitude, to the northeast tip of Betton Island at 55°°31.95' N. latitude, 131°46.37' W. longitude, to the southeast tip of Betton Island at 55°29.90' N. latitude, 131°48.18' W. longitude, to Survey Point at 55°28.07' N. latitude, 131°49.87' W. longitude.

WHAT WOULD BE THE EFFECTS IF THE PROPOSAL IS ADOPTED? If this proposal were adopted, closed waters in the Clover Pass area would be removed from regulation. This would allow for a commercial sea cucumber fishery to take place. The open area and additional guideline harvest level could be added to the existing sea cucumber fishery that currently takes place in West Behm Canal (Subdistricts 101-90 and 95).

BACKGROUND: When the sea cucumber management plan was established in 1991, the Clover Pass area (Figure 196-1) was part of the West Behm Canal (Subdistrict 101-90, 95) fishery. During the 2000 Board meeting, a proposal was put before the board to close the Clover Pass area to the commercial harvest of all shellfish. The proposal passed and this area has been closed to the commercial harvest of shellfish ever since.

There has been no documented personal use harvest of sea cucumbers in this area.

The harvest of sea cucumbers in West Behm canal has occurred since 1994. During the 1994 and 1997 seasons, the average harvest was 90,260 pounds. The average harvest from the three fisheries since the Clover Pass closure is 52,115 pounds.

DEPARTMENT COMMENTS: The department is **NEUTRAL** on this allocative proposal.

If the closed waters were repealed this area could be included in the existing West Behm Canal (Subdistrict 101-90 and 95) pending a biomass assessment survey conducted by the department.

COST ANALYSIS: The department does not believe that approval of this fishery will result in any additional direct cost for a private person to participate in this fishery.

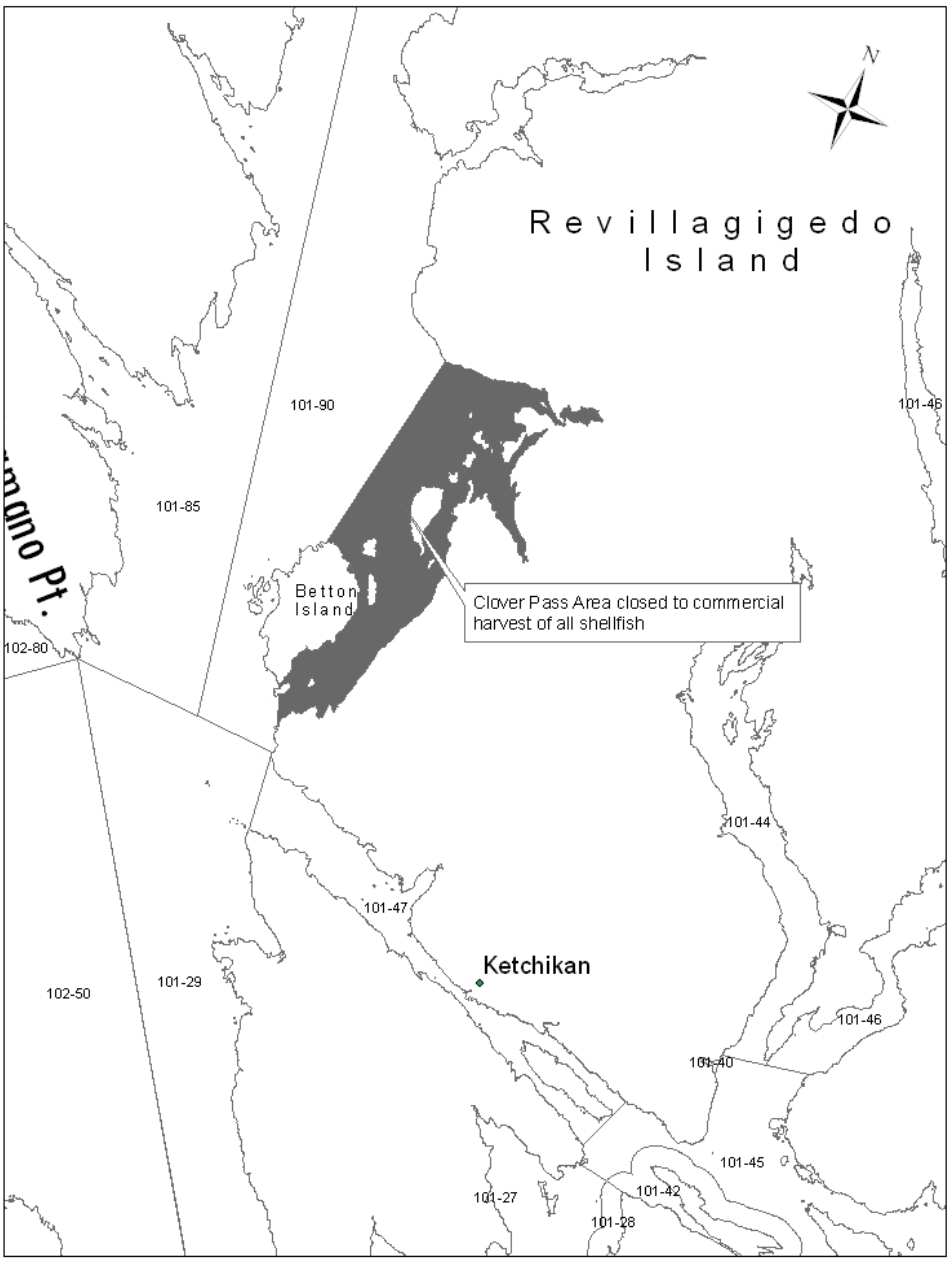

Figure 196-1–Current closed waters for all shellfish. Proposed area to reopen to the commercial harvest of sea cucumbers.

PROPOSAL 197: 5AAC 38.145 SOUTHEASTERN ALASKA RED SEA URCHIN MANAGEMENT PLAN.

PROPOSED BY: Tom Carruth.

WHAT WOULD THE PROPOSAL DO? This proposal would delete a sentence in regulation stating that a vessel must carry an onboard observer if they are going to process red sea urchins on board the vessel. The department would still have the authority to issue a commissioners permit to process red sea urchins.

WHAT ARE THE CURRENT REGULATIONS? 5AAC 38.145. (n) A vessel that is used for the processing of red sea urchins must carry an onboard observer as specified in 5 AAC 39.141- 5 AAC 39.143 and 5 AAC 39.645 if unprocessed red sea urchins are onboard that vessel. The commissioner may, instead of requiring an onboard observer under this section, require that the processing of red sea urchins be conducted under a permit issued by the commissioner with the following conditions:

(1) each person shall keep the processed red sea urchins taken from different fishing districts or subdistricts in separate containers, and separate from any others person's processed red sea urchins; the person shall clearly mark each container with the district or subdistrict from which the urchins were taken and the name of the person who took the urchins;

(2) all red sea urchins must be processed on board the vessel that harvested the urchins;

(3) no more than two persons may process red sea urchins on board a vessel under this subsection;

(4) a person may process only the red sea urchin harvested by that person;

(5) any other conditions the commissioner deems necessary for the conservation and management of an orderly fishery.

WHAT WOULD BE THE EFFECTS IF THE PROPOSAL IS ADOPTED? There would be no change; the department currently has the ability to require that the processing of red sea urchins be conducted under a permit issued by the commissioner instead of requiring an onboard observer.

BACKGROUND: A task force representing processors, divers, local governments, and the department developed the red sea urchin management in May 1996. The process followed guidelines for development of "High Impact Emerging Fishery" regulation (5 AAC 39.210). The Board adopted the red sea urchin management plan during its January 1997 meeting in Sitka. Part of that management plan was the requirement for onboard observers on vessels used to process sea urchins to ensure biological sample collection, to prevent "high-grading," and to assure accurate harvest accounting.

This issue was before the board during the 2003 meeting. Due to department concerns about collecting biological data, potential for under-reporting of harvest, harvest accounting, and high grading issues, the existing regulation was put into place with a three year sunset clause. During the 2006 Board meeting the sunset clause was removed from the regulation allowing the department to issue permits in place of mandatory onboard observers.

During the 2003–04 season two permit holders applied for and obtained commissioner permits. No other permits have been issued since.

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

The sentence requiring an onboard observer should remain in regulation. The department has the ability now to issue processing permits. The future of the red sea urchin fishery is uncertain; market conditions may change and if effort rose dramatically and large amounts of urchins were being processed onboard without department personnel's ability to collect biological data, it may be necessary to have onboard observers in some cases. Currently the department has no problems issuing processing permits for vessels who wish to process red sea urchins on board and direct market their product.

The intent of the proposal is unclear. The proposal states that it would like the onboard observer requirement to be completely deleted and then states that it wants the sunset clause deleted from regulation. To clarify the regulation, the sunset clause was deleted from regulation during the 2006 Board cycle and the department now can issue a permit instead of having a mandatory onboard observer for onboard processing of red sea urchins.

COST ANALYSIS: The department does not believe that approval of this proposal will result in any additional direct cost for a private person to participate in this fishery.

PROPOSAL 198: **5AAC 38.062. PERMITS FOR OCTOPI, SQUID, HAIR CRAB, SEA URCHINS, SEA CUCUMBERS, SEA SNAILES, AND OTHER MARINE INVERTEBRATES; 5AAC 38.061. FISHING SEASONS FOR OCTOPI AND SQUID; AND 5AAC 38.XXX. NEW SECTION.**

PROPOSED BY: Southeast Alaska Fishermen's Alliance.

WHAT WOULD THE PROPOSAL DO? This proposal would provide for establishment of an octopus management plan for Southeast Alaska. As part of the management plan a harvest of up to 35,000 pounds of octopus to be retained as bycatch in Southeast Alaska shrimp and longline fisheries.

WHAT ARE THE CURRENT REGULATIONS? **5AAC 38.062. Fishing season for octopi and squid.** There is no closed season for octopi and squid.

5AAC 38.062 requires that octopus be taken only under authority of permit issued by the commissioner.

There are no regulations allowing octopus to be taken as bycatch in Southeast Alaska without a commissioner's permit.

WHAT WOULD BE THE EFFECTS IF THE PROPOSAL IS ADOPTED? The department would discontinue issuing annual permits to allow the retention of octopus, primarily in the pot shrimp fishery, and would instead monitor fish tickets to determine progress toward a guideline harvest level. When the annual guideline harvest level was reached, the department would issue a news release announcing further retention of octopus as bycatch would be prohibited.

BACKGROUND: There is no directed fishery for octopus in Southeast Alaska. The department receives occasional requests for permits for directed fisheries for octopus. Those requests have been denied due to a lack of stock assessment information and unwillingness on the part of the department to initiate directed fisheries without some data on the stock status. The department has issued commissioner's permits that allow the harvest of octopus as bycatch. Octopus are landed as bycatch in Southeast Alaska pot (mostly shrimp), longline, and trawl fisheries under the authority of commissioner's permits (5 AAC 38.062). Harvest records for Southeast Alaska date back to 1975 and the average total reported harvest during the period 1975–2008 is 3,709 pounds with a maximum harvest of 20,485 pounds in 1988. The average price per pound has been approximately $.58 per pound with a maximum of $1.50 per pound (similar to reported value of octopus in Westward Region). The department issues a commissioner's permit to any permit holder in the fishery interested in retaining octopus as bycatch. Permits stipulate that the weight of the octopus may not exceed 5% of the whole weight of the total target species on board

the vessel, the dates the permit are valid, and reporting requirements. The number of octopus bycatch permits issued annually in the pot shrimp fishery has ranged from 50 permits in 2001 to a maximum of 129 permits in 2004.

There are directed octopus fisheries allowed in British Columbia and in the Westward Region of Alaska. Octopus are also taken as bycatch in groundfish and shellfish fisheries in areas outside Southeast Alaska. Octopus are included as part of the "other species" complex in the Gulf of Alaska by the North Pacific Fishery Management Council. The approach the department has taken with octopus harvest in Southeast Alaska is consistent with the recommendation by the National Marine Fisheries Service which was: "Because of a lack of information at this time, we recommend that directed fishing for octopus be discouraged in federal waters of the GOA and that incidental catch be limited by conservative catch limits." (Conners, et al. NPFMC. 2007. Stock assessment and fishery evaluation report for the ground fish resources of the Gulf of Alaska. Appendix 1c).

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

The department has no information about octopus population size or stock productivity in Southeast Alaska. To prevent allocative decisions, the department issues octopus bycatch permits to all applicants so long as overall harvest is thought to be at a low level. Setting an annual guideline harvest level will cap the level of harvest and remove the need for the department to make a judgment call when too many octopus permit requests are made.

Adopting an octopus management plan would alleviate the need for the department to issue dozens of commissioner's permits on an ad hoc basis. The terms of the bycatch allowance would be established by regulation as would a guideline harvest range which would preclude a significant increase in the harvest until a stock assessment program could be developed.

If this proposal is adopted the department would recommend a guideline harvest range be adopted from 0 to 35,000 pounds. It is likely that if such a guideline harvest range was adopted the department would manage for a harvest at less than the maximum allowed. One possible harvest target could be 20,000 pounds, which is the maximum harvest recorded and well above the recent reported harvests in the region. The department will recommend additional provisions in the management and will develop draft regulatory language for the board to consider during the January meeting.

COST ANALYSIS: This proposal is expected to result in reducing the direct cost for the private person to participate.