

ALASKA DEPARTMENT OF FISH AND GAME

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

**ALASKA BOARD OF FISHERIES MEETING
ANCHORAGE, ALASKA**

MARCH 17-25, 2006



The following staff comments were prepared by the Alaska Department of Fish and Game for use at the Alaska Board of Fisheries (Board) meeting, March 17-25, 2006 in Anchorage, Alaska. The comments are forwarded to assist the public and Board. The comments contained herein should be considered preliminary and subject to change, as new information becomes available. Final department positions will be formulated after review of written and oral public testimony presented to the Board.

This book is organized by Board Subcommittee. A listing of staff comment page numbers by proposal number can be found on page vi.

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**COMMITTEE A: PWS AND COOKINLET DUNGENESS AND SHRIMP
(23 PROPOSALS)**

Prince William Sound Commercial Shrimp

PROPOSAL 304, PAGE 222, - 5 AAC 31.260. Prince William Sound Pot Shrimp Fishery Management Plan.

PROPOSED BY: Alaska Department of Fish and Game

WHAT WOULD THE PROPOSAL DO? This proposal would remove the regulatory sunset clause and retain the original regulation requiring the PWS commercial shrimp pot fishery to remain closed until the stock has recovered and the board adopts a management plan.

WHAT ARE THE CURRENT REGULATIONS? Current regulation (5 AAC 31.260) closes the commercial shrimp pot fishery and identifies 14 points that must be considered in development of a management plan.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL IS ADOPTED? If this proposal were adopted, the PWS shrimp pot fishery would remain closed.

BACKGROUND: The shrimp pot fishery in PWS targeted spot shrimp. Tagging studies in the 1980s indicated spot shrimp may live up to seven years with little migration during their lifespan. Spot shrimp are protandrous hermaphrodites that start life as males, and then change to females as they grow. Survey catches of male shrimp are at or above levels observed at the survey's inception, particularly in northern portions of PWS. However, catches of the larger, egg bearing females remain below levels observed in the early 1990s.

Landings for the PWS commercial spot shrimp fishery date back to the 1960s and the fishery experienced rapid growth during the late 1970s and early 1980s, with catch and effort increasing from 75,173 pounds and 23 vessels in 1980 to 242,678 pounds and 80 vessels in 1986. Effort peaked at 86 vessels in 1987. Partial area closures due to declines in catch per unit effort (CPUE) were first adopted in 1988. Continued declines in CPUE coincided with declines in catch and in effort, and the fishery has been closed since the 1991 season when 15 vessels harvested 17,580 pounds. The board adopted the current closure/management plan regulation in 2000.

The department has conducted an annual standardized index survey for spot shrimp since 1989. Spot shrimp catch rates in the survey declined from 1.3 pounds per pot in 1989 to 0.29 pounds per pot in 1998 and then incrementally increased to 1.5 pounds per pot in 2004. The 2005 survey index of 1.4 pounds per pot was approximately equal to the level observed in 1989 when the fishery had experienced some partial area closures.

DEPARTMENT COMMENTS: The department SUPPORTS the repeal of the sunset language. While recognizing the public's desire to take advantage of increased resource levels, the department still considers the PWS spot shrimp resource to be rebuilding. The life history and

reproductive biology of spot shrimp are poorly understood and PWS is the northern limit of their geographic distribution, further complicating our understanding of growth, recruitment, and survival parameters. A conservative approach to reestablishing a commercial fishery is warranted. The department would support development of a management plan that addresses the 14 points that are in regulation.

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

PROPOSAL 306, PAGE 224, - 5 AAC 31.210. Fishing seasons for Registration Area E.

PROPOSED BY: Whittier Advisory Committee

WHAT WOULD THE PROPOSAL DO? This proposal would reestablish a commercial shrimp pot fishery in PWS and offers several specific topics for consideration and resolution, including stock size and condition, season, harvest refuge areas quota system, gear limits, and the need to assess noncommercial harvest.

WHAT ARE THE CURRENT REGULATIONS? Regulation 5 AAC 31.260 closes the PWS commercial shrimp pot fishery until the stock has recovered and the board has approved a management plan that considers 14 points identified in regulation.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL IS ADOPTED? If adopted, this proposal would reopen a commercial shrimp pot fishery in PWS.

BACKGROUND: The shrimp pot fishery in PWS targeted spot shrimp. Tagging studies in the 1980s indicated spot shrimp may live up to seven years with little migration during their lifespan. Spot shrimp are protandrous hermaphrodites that start life as males, and then change to females as they grow. Survey catches of male shrimp are at or above levels observed at the survey's inception, particularly in northern portions of PWS. However, catches of the larger, egg bearing females remain below levels observed in the early 1990s.

Landings for the PWS commercial spot shrimp fishery date back to the 1960s and the fishery experienced rapid growth during the late 1970s and early 1980s, with catch and effort increasing from 75,173 pounds and 23 vessels in 1980 to 242,678 pounds and 80 vessels in 1986. Effort peaked at 86 vessels in 1987. Partial area closures due to declines in CPUE were first adopted in 1988. Continued declines in CPUE coincided with declines in catch and effort, and the fishery has been closed since the 1991 season when 15 vessels harvested 17,580 pounds. The board adopted the current closure/management plan regulation in 2000.

The department has conducted an annual standardized index survey for spot shrimp since 1989. Spot shrimp catch rates in the survey declined from 1.3 pounds per pot in 1989 to 0.29 pounds per pot in 1998 and then incrementally increased to 1.5 pounds per pot in 2004. The 2005 survey

index of 1.4 pounds per pot was approximately equal to the level observed in 1989 when the fishery had experienced some partial area closures.

DEPARTMENT COMMENTS: The department OPPOSES this proposal. While recognizing the public's desire to take advantage of increased resource levels, the department still considers the PWS spot shrimp resource to be rebuilding. The life history and reproductive biology of spot shrimp are poorly understood and PWS is the northern limit of their geographic distribution, further complicating our understanding of growth, recruitment, and survival parameters. A conservative approach to reestablishing a commercial fishery is warranted. The department would support development of a management plan that addresses the 14 points that are in regulation.

COST ANALYSIS: The department believes that adoption of this proposal may result in an additional direct cost for a private person to participate in this fishery.

PROPOSAL 307, PAGE 224, - 5 AAC 31.235. Closed waters in Registration Area E.

PROPOSED BY: Wade Willis

WHAT WOULD THE PROPOSAL DO? This proposal would close a portion of southwestern PWS to the commercial harvest of shrimp.

WHAT ARE THE CURRENT REGULATIONS? Regulations 5 AAC 31.235 (1) and (2) establish shrimp trawl closure areas in Hinchinbrook Entrance, eastern PWS and Valdez Arm. Current regulations already close the commercial harvest of shrimp by pot gear (5 AAC 31.210 and 5 AAC 31.260) and permit the commercial harvest of shrimp by trawl gear (5 AAC 31.211).

WHAT WOULD BE THE EFFECT IF THE PROPOSAL IS ADOPTED? If adopted, this proposal would restrict shrimp trawling in the proximity of Icy and Whale Bays and the Port Bainbridge area as well as any commercial shrimp pot fishery that may develop in the future.

BACKGROUND: The PWS shrimp pot fishery has been closed since 1992 due to low abundance. Historically, the shrimp pot fishery occurred in the proposed closure areas, particularly the lower portion of Dangerous Passage, Whale Bay, and Icy Bay. During 1972 – 1986 the PWS shrimp trawl fishery targeted pink shrimp with harvests peaking at 1.3 million pounds in 1984. The Icy Bay District contributed more than half the harvest during the peak years. The shrimp trawl fishery began targeting sidestripe shrimp in 1986. Specific harvest information from this area are confidential due to the limited number of participants. In general however, harvests from this area generally represent a small proportion of the season's harvest total. Since 2000, the catch contribution from the proposed closure area has ranged as high as 16% and averaged 7% while the total fishery harvest averaged 79,000 pounds.

The PWS shrimp trawl fishery is managed to target sidestripe shrimp and most fishing effort occurs in waters 180 – 250 fathoms in depth. Fishing in the proposed closure area has occurred in shallower waters that support other shrimp species such as spot shrimp, which are restricted to bycatch allowances due to conservation concerns.

DEPARTMENT COMMENTS: The department is NEUTRAL on this allocative proposal. The department opposes shrimp trawling in shallow waters due to the potential catch of spot shrimp that are restricted to 10% bycatch-only. However, the proposed closure area includes both shallow and deep waters. It is unlikely that the shrimp trawl fishery has had any effect on recreational halibut fishing due to the differing depths the two fisheries target. The department is not aware of any relationship between the endangerment of the PWS AT1 orca whale pod and the shrimp trawl fishery.

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

PROPOSAL 308, PAGE 226, - 5 AAC 31.206. Area E registration.

PROPOSED BY: Gordon Scott

WHAT WOULD THE PROPOSAL DO? This proposal would allow a single commercial shrimp pot fishing permit to be fished from a vessel.

WHAT ARE THE CURRENT REGULATIONS? Current regulations do not restrict the number of permits that may be operated from a vessel. The Prince William Sound (PWS) commercial shrimp pot fishery is currently closed (5 AAC 31.260).

WHAT WOULD BE THE EFFECT IF THE PROPOSAL IS ADOPTED? If adopted, this proposal may reduce speculative participation by members of the public hoping to secure a permit if the fishery were to reopen and a limited entry program developed.

BACKGROUND: The shrimp pot fishery in PWS targeted spot shrimp. Tagging studies in the 1980s indicated spot shrimp may live up to seven years with little migration during their lifespan. Spot shrimp are protandrous hermaphrodites that start life as males, and then change to females as they grow. Survey catches of male shrimp are at or above levels observed at the survey's inception, particularly in northern portions of PWS. However, catches of the larger, egg bearing females remain below levels observed in the early 1990s.

Landings for the PWS commercial spot shrimp fishery date back to the 1960s and the fishery experienced rapid growth during the late 1970s and early 1980s, with catch and effort increasing from 75,173 pounds and 23 vessels in 1980 to 242,678 pounds and 80 vessels in 1986. Effort peaked at 86 vessels in 1987. Partial area closures due to declines in CPUE were first adopted in 1988. Continued declines in CPUE coincided with declines in catch and effort, and the fishery

has been closed since the 1991 season when 15 vessels harvested 17,580 pounds. The board adopted the current closure/management plan regulation in 2000.

The department has conducted an annual standardized index survey for spot shrimp since 1989. Spot shrimp catch rates in the survey declined from 1.3 pounds per pot in 1989 to 0.29 pounds per pot in 1998 and then incrementally increased to 1.5 pounds per pot in 2004. The 2005 survey index of 1.4 pounds per pot was approximately equal to the level observed in 1989 when the fishery had experienced some partial area closures.

DEPARTMENT COMMENTS: The department is NEUTRAL on this allocative proposal. Restricting the number of permits that could be fished from a vessel would limit participation if the PWS shrimp pot fishery were reopened. For example, in contrast to unrestricted fisheries where multiple permit holders may make a single landing, an individual would have to acquire a vessel to participate. While recognizing the public's desire to take advantage of increased resource levels, the department still considers the PWS spot shrimp resource to be rebuilding. The life history and reproductive biology of spot shrimp are poorly understood and PWS is the northern limit of their geographic distribution, further complicating our understanding of growth, recruitment, and survival parameters. A conservative approach to reestablishing a commercial fishery is warranted. The department would support development of a management plan that addresses the 14 points that are in regulation.

COST ANALYSIS: The department believes that adoption of this proposal may result in an additional direct cost for some private persons to participate in this fishery.

PROPOSAL 309, PAGE 226, - 5 AAC 31.260. Prince William Sound pot shrimp fishery management plan.

PROPOSED BY: Gordon Scott

WHAT WOULD THE PROPOSAL DO? The proposal seeks to limit the number of participants in the PWS shrimp pot fishery.

WHAT ARE THE CURRENT REGULATIONS? The PWS commercial shrimp pot fishery is open access and under current regulations is closed until the stock recovers and the board adopts a management plan that considers 14 points outlined in regulation.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL IS ADOPTED? If this proposal were adopted, fewer individuals would be able to participate in the PWS shrimp pot fishery.

BACKGROUND: The shrimp pot fishery in PWS targeted spot shrimp. Tagging studies in the 1980s indicated spot shrimp may live up to seven years with little migration during their lifespan. Spot shrimp are protandrous hermaphrodites that start life as males, and then change to females as they grow. Survey catches of male shrimp are at or above levels observed at the survey's

inception, particularly in northern portions of PWS. However, catches of the larger, egg bearing females remain below levels observed in the early 1990s.

Landings for the PWS commercial spot shrimp fishery date back to the 1960s and the fishery experienced rapid growth during the late 1970s and early 1980s, with catch and effort increasing from 75,173 pounds and 23 vessels in 1980 to 242,678 pounds and 80 vessels in 1986. Effort peaked at 86 vessels in 1987. Partial area closures due to declines in CPUE were first adopted in 1988. Continued declines in CPUE coincided with declines in catch and effort, and the fishery has been closed since the 1991 season when 15 vessels harvested 17,580 pounds. The board adopted the current closure/management plan regulation in 2000.

The department has conducted an annual standardized index survey for spot shrimp since 1989. Spot shrimp catch rates in the survey declined from 1.3 pounds per pot in 1989 to 0.29 pounds per pot in 1998 and then incrementally increased to 1.5 pounds per pot in 2004. The 2005 survey index of 1.4 pounds per pot was approximately equal to the level observed in 1989 when the fishery had experienced some partial area closures.

DEPARTMENT COMMENTS: The department is NEUTRAL on this allocative proposal. The current open access fishery presents a considerable challenge to manage for sustainability of the resource given the improved access to PWS provided by the Whittier tunnel, the increasing recreational use of the PWS shrimp resource, and permit speculation. A low allowable harvest coupled with high effort would likely compromise the commercial fishery's economic viability and negatively impact the fishery's prosecution and management. While recognizing the public's desire to take advantage of increased resource levels, the department still considers the PWS spot shrimp resource to be rebuilding. The life history and reproductive biology of spot shrimp are poorly understood and PWS is the northern limit of their geographic distribution, further complicating our understanding of growth, recruitment, and survival parameters. A conservative approach to reestablishing a commercial fishery is warranted. The department would support development of a management plan that addresses the 14 points that are in regulation.

COST ANALYSIS: The department believes that adoption of this proposal may result in an additional direct cost for a private person to participate in this fishery.

PROPOSAL 310, PAGE 227, - 5 AAC 31.206. Area E registration.

PROPOSED BY: Gordon Scott

WHAT WOULD THE PROPOSAL DO? This proposal would restrict both permit holders and vessels that participate in the PWS shrimp pot fishery from participating in any other shrimp fishery in Alaska during that year. Likewise, individuals or vessels that have participated in shrimp pot fisheries elsewhere in Alaska would be prohibited from participating in the PWS fishery.

WHAT ARE THE CURRENT REGULATIONS? PWS is a nonexclusive registration area for shrimp and the commercial shrimp pot fishery is closed until the stock recovers and the board adopts a management plan that considers 14 points outlined in regulation.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL IS ADOPTED? If adopted, this proposal could limit the number of participants in a PWS shrimp pot fishery. However, unless shrimp stocks were robust and catch rates quite high, it is unlikely that many additional vessels from other areas would want to participate.

BACKGROUND: The shrimp pot fishery in PWS targeted spot shrimp. Tagging studies in the 1980s indicated spot shrimp may live up to seven years with little migration during their lifespan. Spot shrimp are protandrous hermaphrodites that start life as males, and then change to females as they grow. Survey catches of male shrimp are at or above levels observed at the survey's inception, particularly in northern portions of PWS. However, catches of the larger, egg bearing females remain below levels observed in the early 1990s.

Landings for the PWS commercial spot shrimp fishery date back to the 1960s and the fishery experienced rapid growth during the late 1970s and early 1980s, with catch and effort increasing from 75,173 pounds and 23 vessels in 1980 to 242,678 pounds and 80 vessels in 1986. Effort peaked at 86 vessels in 1987. Partial area closures due to declines in CPUE were first adopted in 1988. Continued declines in CPUE coincided with declines in catch and effort, and the fishery has been closed since the 1991 season when 15 vessels harvested 17,580 pounds. The board adopted the current closure/management plan regulation in 2000.

The department has conducted an annual standardized index survey for spot shrimp since 1989. Spot shrimp catch rates in the survey declined from 1.3 pounds per pot in 1989 to 0.29 pounds per pot in 1998 and then incrementally increased to 1.5 pounds per pot in 2004. The 2005 survey index of 1.4 pounds per pot was approximately equal to the level observed in 1989 when the fishery had experienced some partial area closures.

DEPARTMENT COMMENTS: The department is NEUTRAL on this allocative proposal. The current open access fishery presents a considerable challenge to manage for sustainability of the resource given the improved access to PWS provided by the Whittier tunnel, the increasing recreational use of the PWS shrimp resource, and permit speculation. A low allowable harvest coupled with high effort would likely compromise the fishery's commercial economic viability and negatively impact the fishery's prosecution and management. While recognizing the public's desire to take advantage of increased resource levels, the department still considers the PWS spot shrimp resource to be rebuilding. The life history and reproductive biology of spot shrimp are poorly understood and PWS is the northern limit of their geographic distribution, further complicating our understanding of growth, recruitment, and survival parameters. A conservative approach to reestablishing a commercial fishery is warranted. The department would support development of a management plan that addresses the 14 points that are in regulation.

COST ANALYSIS: The department believes that adoption of this proposal may result in an additional direct cost for a private person to participate in this fishery.

PROPOSAL 311, PAGE 227, - 5 AAC 31.260. Prince William Sound pot shrimp fishery management plan.

PROPOSED BY: Gordon Scott

WHAT WOULD THE PROPOSAL DO? This proposal would limit participation in the PWS shrimp pot fishery through the allocation of quota shares that are based upon past catch history.

WHAT ARE THE CURRENT REGULATIONS? The commercial shrimp pot fishery is closed until the stock recovers and the board adopts a management plan that considers 14 points outlined in regulation. There is no limitation on participation in the fishery.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL IS ADOPTED? If adopted, this proposal would likely slow the pace of the shrimp pot fishery by eliminating the “race for fish” inherent in open access fisheries.

BACKGROUND: The shrimp pot fishery in PWS targeted spot shrimp. Tagging studies in the 1980s indicated spot shrimp may live up to seven years with little migration during their lifespan. Spot shrimp are protandrous hermaphrodites that start life as males, and then change to females as they grow. Survey catches of male shrimp are at or above levels observed at the survey’s inception particularly in northern portions of PWS. However, catches of the larger, egg bearing females remain below levels observed in the early 1990s.

Landings for the PWS commercial spot shrimp fishery date back to the 1960s and the fishery experienced rapid growth during the late 1970s and early 1980s, with catch and effort increasing from 75,173 pounds and 23 vessels in 1980 to 242,678 pounds and 80 vessels in 1986. Effort peaked at 86 vessels in 1987. Partial area closures due to declines in CPUE were first adopted in 1988. Continued declines in CPUE coincided with declines in catch and effort, and the fishery has been closed since the 1991 season when 15 vessels harvested 17,580 pounds. The board adopted the current closure/management plan regulation in 2000.

The department has conducted an annual standardized index survey for spot shrimp since 1989. Spot shrimp catch rates in the survey declined from 1.3 pounds per pot in 1989 to 0.29 pounds per pot in 1998 and then incrementally increased to 1.5 pounds per pot in 2004. The 2005 survey index of 1.4 pounds per pot was approximately equal to the level observed in 1989 when the fishery had experienced some partial area closures.

DEPARTMENT COMMENTS: The department is NEUTRAL on this allocative proposal. It is unclear whether the proposal also seeks to restrict participation through a limited entry program. There may be legal constraints on the use of individual catch history in assigning quota shares. Due to the long-term closure of the PWS shrimp pot fishery, it is likely that some past participants have moved or shifted to other fisheries, thereby shrinking the pool of individuals that may benefit from such an approach. While recognizing the public’s desire to take advantage

of increased resource levels, the department still considers the PWS spot shrimp resource to be rebuilding. The life history and reproductive biology of spot shrimp are poorly understood and PWS is the northern limit of their geographic distribution, further complicating our understanding of growth, recruitment, and survival parameters. A conservative approach to reestablishing a commercial fishery is warranted. The department would support development of a management plan that addresses the 14 points that are in regulation.

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

PROPOSAL 312, PAGE 228, - 5 AAC 31.260. Prince William Sound pot shrimp fishery management plan.

PROPOSED BY: Gordon Scott

WHAT WOULD THE PROPOSAL DO? Although the exact intent of the proposal is unclear, it seeks to develop an experimental shrimp pot fishery in PWS to provide a limited opportunity to harvest spot shrimp.

WHAT ARE THE CURRENT REGULATIONS? The commercial shrimp pot fishery is closed until the stock recovers and the board adopts a management plan that considers 14 points outlined in regulation.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL IS ADOPTED? It is unclear exactly what effect this proposal would have. It is unclear if the proposal would restrict participation or is intended to provide a vehicle for the department to open a fishery.

BACKGROUND: The shrimp pot fishery in PWS targeted spot shrimp. Tagging studies in the 1980s indicated spot shrimp may live up to seven years with little migration during their lifespan. Spot shrimp are protandrous hermaphrodites that start life as males, and then change to females as they grow. Survey catches of male shrimp are at or above levels observed at the survey's inception, particularly in northern portions of PWS. However, catches of the larger, egg bearing females remain below levels observed in the early 1990s.

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The department has conducted an annual standardized index survey for spot shrimp since 1989. Spot shrimp catch rates in the survey declined from 1.3 pounds per pot in 1989 to 0.29 pounds per pot in 1998 and then incrementally increased to 1.5 pounds per pot in 2004. The 2005 survey index of 1.4 pounds per pot was approximately equal to the level observed in 1989 when the fishery had experienced some partial area closures.

DEPARTMENT COMMENTS: The department OPPOSES this proposal. Experimental fisheries are allowed by regulation for resources or use of gear types that have not been developed. The department can find no merit in opening an experimental pot fishery for shrimp in PWS. There is no evidence to support the concern that shrimp production will result in habitat damage.

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

PROPOSAL 313, PAGE 228, - 5 AAC 31.225. Lawful shrimp trawl gear for Registration Area E.

PROPOSED BY: Whittier Advisory Committee

Note: The department can address part one of this proposal. However, part two pertains to finfish which should be addressed at a regularly scheduled PWS finfish Alaska Board of Fisheries meeting.

WHAT WOULD THE PROPOSAL DO? This proposal would require a finfish excluder with 4.0 inch bar spacing on sablefish trawls and allow vessels targeting sablefish with this gear to retain all shrimp.

WHAT ARE THE CURRENT REGULATIONS? Shrimp trawl requirements in 5 AAC 31.225 (2) requires a fish excluder device with a 2.5-inch bar separation and allows retention of 10% of groundfish bycatch. Groundfish regulations do not require a fish excluder device in groundfish trawls.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL IS ADOPTED? This proposal, if adopted, would allow the single PWS sablefish trawl permit holder to target both shrimp and sablefish with a net employing an excluder with a 4.0-inch bar spacing, only during the open PWS sablefish fishery. Other shrimp trawl vessels would be required to use excluders with a bar spacing of 2.5 inches.

BACKGROUND: The Commercial Fisheries Entry Commission designated a single trawl gear permit in the PWS sablefish fishery. Without this permit, fishing with non-pelagic trawl gear is prohibited. In 2003 the board adopted a shared quota approach for the PWS sablefish fishery that resulted in a longer season with dates of March 15 – May 15 and August 1 – August 21.

There are currently no gear requirements for a non-pelagic groundfish trawl. In 2000, the board adopted regulations requiring shrimp trawls be equipped with a fish excluder device, consisting of a rigid grate with parallel excluder bars spaced not more than 2.5 inches apart. The 2.5-inch excluder bar spacing for the shrimp trawl fishery resulted from a compromise between the department and industry and was designed to facilitate the capture of shrimp while minimizing the capture of groundfish. Although the effects of wider excluder bar spacing on the capture of shrimp are unknown, it would result in increased fish catch.

DEPARTMENT COMMENTS: The department is NEUTRAL on the allocative aspects of allowing an individual to retain shrimp with gear that doesn't meet shrimp trawl requirements. The board failed to adopt an identical proposal in 2003 due to one user's concern that it conferred a shrimp harvest advantage.

COST ANALYSIS: The department believes that adoption of this proposal may result in an additional direct cost for a private person to participate in this fishery.

Cook Inlet Commercial Shrimp

PROPOSAL 317, PAGE 231, - 5 AAC 31.390. Cook Inlet Area Shrimp Management Plan.

PROPOSED BY: Alaska Department of Fish and Game

WHAT WOULD THE PROPOSAL DO? This proposal would remove the regulatory sunset clause and retain the original regulation requiring the Cook Inlet shrimp trawl fishery to remain closed until the stock has recovered and the board adopts a management plan.

WHAT ARE THE CURRENT REGULATIONS? Regulations 5 AAC 31.310 and 5 AAC 31.390 close the Cook Inlet shrimp trawl fishery until stocks recover and the board adopts a management plan.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL IS ADOPTED? If this proposal were adopted, the Cook Inlet shrimp trawl fishery would remain closed.

BACKGROUND: In 1997 the board closed all commercial shrimp fishing in Area H in response to the long-term emergency order closure of both pot and trawl shrimp fisheries and shrimp trawl survey data indicating shrimp stocks remained depressed. The Cook Inlet shrimp trawl fishery, which targeted pink shrimp, occurred within the Southern District, averaged 4.1 million pounds between 1969 and 1986, and closed due to low abundance during the 1986 season when harvests totaled 0.5 million pounds from 3 vessels. The shrimp pot fishery targeted coonstripe shrimp, occurred only within the Southern District, and harvests during 1970 to 1989 ranged from 801,346 pounds in the 1973-1974 season to 5,323 pounds in the 1988-1989 season when the fishery closed.

The average annual sport and personal use harvests of shrimp in Kachemak Bay and Lower Cook Inlet declined from nearly 4,300 gallons during 1981-1986 to approximately 1,300 gallons during 1991-1996. Dwindling sport and personal use harvests and declining catches in department trawl surveys prompted the department to close the shrimp fishery in Kachemak Bay by emergency order in spring, 1996. The sport and personal use fisheries in all Cook Inlet waters were closed by regulation in 1997.

Department small-mesh trawl surveys occurred annually from 1971 to 1993, biennially until 1997, triennially from 1997 to 2003, and annually since 2003. Shrimp biomass estimates from all trawl surveys since 1986 have remained well below levels observed when the fishery closed, with the most recent estimate totaling 0.2 million pounds of shrimp. Although the department does not survey coonstripe shrimp, historically the predominant target species in the pot fishery, the trawl survey provides an index of coonstripe shrimp abundance. Based upon recent trawl survey catches, the coonstripe shrimp abundance remains at a low level.

DEPARTMENT COMMENTS: The department submitted and SUPPORTS this proposal. At current stock levels, shrimp in Cook Inlet's Southern District cannot support a directed shrimp fishery.

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

PROPOSAL 318, PAGE 232, - 5 AAC 31.490. Outer Cook Inlet Area Shrimp Fisheries Management Plan.

PROPOSED BY: Alaska Department of Fish and Game

WHAT WOULD THE PROPOSAL DO? This proposal would remove the regulatory sunset clause and retain the original regulation requiring the Outer Cook Inlet shrimp fisheries to remain closed until the stock has recovered and the board adopts a management plan.

WHAT ARE THE CURRENT REGULATIONS? Regulation 5 AAC 31.490 closes the Outer Cook Inlet shrimp fisheries until stocks recover and the board adopts a management plan that considers 14 points identified in regulation.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL IS ADOPTED? If this proposal were adopted, the Outer Cook Inlet shrimp fisheries would remain closed.

BACKGROUND: In 1997 the board closed all commercial shrimp fishing in Area G in response to commercial harvest declines, low commercial fishery CPUE, and the lack of abundance data to support management plan development. From 1982-1987, commercial trawl shrimp catches in Area G were predominantly pink shrimp. The pink shrimp commercial harvest peaked at 2.0 million pounds in the 1984-1985 season, the only year harvest exceeded 800,000 pounds, and

then declined rapidly due to low abundance and subsequent loss of processing facilities. The commercial fishery shifted to sidestripe shrimp from 1991-1996. Sidestripe shrimp fishery management was based upon CPUE derived from fish tickets, logbook data, catch samples, and dockside interviews. Sidestripe shrimp harvests peaked at 218,854 pounds in the 1993-1994 season and then declined to 32,591 pounds in the 1994-95 season. From 1986 to 1996, effort ranged from 0 to 3 vessels and averaged 1 vessel. Primary commercial harvest areas included Resurrection Bay, Aialik Bay, and Harris Bay. The commercial fishery was characterized by long tow duration and low CPUE that seldom approached 50 pounds of pandalid shrimp per hour.

Historically, the Area G commercial shrimp pot fishery targeted spot shrimp and was a low level fishery with harvests ranging from 0 in 1995 to 20,500 pounds in 1989 and averaging 7,115 pounds from 1977-1995. During this same time frame, effort peaked at 13 vessels in 1983 and averaged 6 vessels. Both anecdotal information and fishery data indicate that measurable stocks of spot shrimp occur in some bays along the extensive outer Kenai Peninsula coast but are of limited abundance. The department has conducted no surveys for spot shrimp in Area G.

Historically, little sport and personal use fishing has occurred in Outer Cook Inlet. These fisheries were closed in 1997 with the adoption of the Outer Cook Inlet Area Shrimp Fisheries Management Plan (5 AAC 31.490) based upon declines abundance recorded in department trawls in Cook Inlet.

Stock assessment efforts in this area have been sporadic. A department survey in 1994 provided an estimate of pandalid shrimp biomass in two bays, Resurrection and Harris, totaling 0.7 million pounds with sidestripe shrimp composing approximately 36% of total. In 2005 the department began a 2-year grant-funded shrimp trawl survey of three bays, Resurrection, Aialik, and Harris. The first year's survey yielded a pandalid shrimp estimate of 1.5 million pounds, with sidestripe shrimp comprising 45% of the total. In contrast, the estimate of total fish biomass was 8.3 million pounds. For comparison, when the shrimp trawl fishery in Kachemak Bay closed, fish biomass was approximately double the shrimp biomass.

DEPARTMENT COMMENTS: The department submitted and SUPPORTS this proposal. A single survey data point coupled with the comparatively high fish biomass indicates that shrimp stocks likely remain at relatively low abundance compared to historic numbers and supports a cautious approach in reopening shrimp fisheries in the area. The department has second survey scheduled for May 2006 and has submitted a proposal to obtain funding for an additional two years of fieldwork. Additional data will aid the department and the board in developing an appropriate management strategy. The department has no information on the status of spot shrimp in Outer Cook Inlet area.

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

PROPOSAL 305, PAGE 223, - 5 AAC 31.310. Fishing seasons for Registration Area H; and 5 AAC 31.3XX. Vessel size limit.

PROPOSED BY: Ray Spangler

Note: Proposal header identifies Cook Inlet but text of proposal identifies Area G, Outer Cook Inlet. Department comments address reopening the Area G shrimp trawl fishery.

WHAT WOULD THE PROPOSAL DO? This proposal would reopen the Area G shrimp trawl fishery and prohibit participation by vessels greater than 60 feet in length and require all fishing to occur in waters at least 600 feet in depth.

WHAT ARE THE CURRENT REGULATIONS? Regulation 5 AAC 31.490 closes all Outer Cook Inlet shrimp fisheries until the board adopts a management plan.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL IS ADOPTED? If this proposal were adopted a shrimp trawl fishery would reopen in Area G with season dates of June 1 through February 28, require a commissioner's permit prior to participation, and be restricted to fishing in waters at least 600 feet in depth. In the past, the commissioner's permit required submission of logbook pages with each landing.

BACKGROUND: In 1997 the board closed all shrimp fishing in Area G in response to harvest declines, low fishery CPUE, and the lack of abundance data to support management plan development. From 1982-1987, trawl shrimp catches in Area G were predominantly composed of pink shrimp. The pink shrimp harvest peaked at 2.0 million pounds in the 1984-1985 season, the only year harvest exceeded 800,000 pounds, and then declined rapidly due to low abundance and subsequent loss of processing facilities. The fishery shifted to sidestripe shrimp from 1991-1996. Sidestripe shrimp fishery management was based upon CPUE derived from fish tickets, logbook data, catch samples, and dockside interviews. Sidestripe shrimp harvests peaked at 218,854 pounds in the 1993-1994 season and then declined to 32,591 pounds in the 1994-1995 season. From 1986 to 1996, effort ranged from 0 to 3 vessels and averaged 1 vessel. Primary harvest areas included Resurrection Bay, Aialik Bay, and Harris Bay. The fishery was characterized by long tow duration and low CPUE that seldom approached 50 pounds of pandalid shrimp per hour.

Stock assessment efforts in this area have been sporadic. A department survey in 1994 provided an estimate of pandalid shrimp biomass in two bays, Resurrection and Harris, totaling 0.7 million pounds with sidestripe shrimp comprising approximately 36% of the total. In 2005 the department began a 2-year grant-funded shrimp trawl survey of three bays, Resurrection, Aialik, and Harris. The first year's survey yielded a pandalid shrimp estimate of 1.5 million pounds with sidestripe shrimp comprising 45% of the total. In contrast, the estimate of total fish biomass was 8.3 million pounds. For comparison, when the shrimp trawl fishery in Kachemak Bay closed, fish biomass was approximately double the shrimp biomass.

DEPARTMENT COMMENTS: The department OPPOSES this proposal. Discussion of a shrimp trawl fishery must consider the potentially high discard rate of small sidestripe and pink

shrimp. There are no shrimp peeling machines currently online in Southcentral Alaska to process this catch component and mortality of discarded shrimp is believed to be 100%. The Alaska Bureau of Wildlife Enforcement may wish to comment on the enforceability of a fishing boundary based upon depth.

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

Prince William Sound Commercial Shellfish

PROPOSAL 301, PAGE 221, - 5 AAC 32.290. Prince William Sound Area Dungeness Crab Fisheries Management Plan.

PROPOSED BY: Alaska Department of Fish and Game

WHAT WOULD THE PROPOSAL DO? This proposal would remove the regulatory sunset clause and retain the original regulation requiring the fishery to remain closed until the stock has recovered and the board adopts a management plan.

WHAT ARE THE CURRENT REGULATIONS? The current regulation closes all commercial, sport, personal use, and subsistence Dungeness crab fisheries in Prince William Sound (PWS) and identifies 14 factors that must be considered in the development of a management plan.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL IS ADOPTED? If this proposal were adopted, the PWS Dungeness crab fisheries would remain closed.

BACKGROUND: Commercial harvests of Dungeness crab within the PWS Management Area historically occurred in Orca Inlet and along the Copper River Delta and Controller Bay areas within the Eastern Section of the Outside District. Past management strategies failed to provide for sustainable fisheries and the Dungeness crab population has remained depressed despite long-term fishery closures. The board adopted a regulatory closure of all PWS Dungeness crab fisheries in March 2000 that would remain in effect until stocks recover and a management plan is approved.

Commercial Dungeness crab harvests from Orca Inlet in the 1960s exceeded 1.0 million pounds annually. From 1968 to 1980, annual harvests declined to an average of 360,000 pounds. After the 1980 harvest declined to 123,200 pounds, the fishery was closed by emergency order from 1980 to 2000. Subsistence and personal use fisheries for Dungeness crab in the Orca Inlet area were closed by emergency order from 1994 until the board adopted a regulatory closure in 2000. The department assessed the shell condition and abundance of Dungeness crab in Orca Inlet annually from 1977 to 1994 and, due to low crab catches, biennially since 1995. The 2002 survey caught no Dungeness crab in 30 pot lifts. The survey was not conducted in 2004 but resumed in 2005 and produced two sublegal Dungeness crab in 25 pot lifts.

Commercial Dungeness crab harvests from the Eastern Section date back to 1969. From 1969 through 1990, harvests averaged 620,000 pounds with total catch exceeding 1.0 million pounds in four years. The harvest declined to 70,259 pounds in 1991. The fishery has remained closed since 1992 when the spring harvest totaled only 2,258 pounds.

Department surveys documented Dungeness crab declines in the Eastern Section and a continued low stock abundance. The number of legal male crab per pot in the August survey declined from 3.5 in 1993 to 0.1 in 1997. From 1998 through 2003, survey catches averaged 0.9 legal male crab per pot. The survey was not conducted in 2004 but resumed in 2005 and yielded 2.3 legal male per pot. While the survey reflects a gradual improvement, these catch rates remain well below survey catches during the late 1980s, which ranged from 9.1 in 1986 to 12.1 in 1989, when the fishery was active.

DEPARTMENT COMMENTS: The department submitted and SUPPORTS this proposal. The department plans to continue monitoring PWS Dungeness crab and develop a management plan according to 5 AAC 32.290, that could be implemented when stocks recover to a level that would support a commercial fishery.

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

PROPOSAL 303, PAGE 222, - 5 AAC 38.224. Closed waters for scallops in Registration Area E.

PROPOSED BY: Alaska Department of Fish and Game

WHAT WOULD THE PROPOSAL DO? This proposal would remove a paragraph under closed waters that is unnecessary due to the harvest area restriction already in place for the commercial scallop fishery.

WHAT ARE THE CURRENT REGULATIONS? Regulation 5 AAC 38.220 restricts the PWS commercial scallop fishery to the Eastern Section of the Outside District and regulation 5 AAC 38.224 identifies waters closed to commercial scallop fishing within the PWS Inside District.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL IS ADOPTED? This proposal, if adopted, would remove an unnecessary reference to PWS closed waters and prevent any confusion among users regarding areas open to commercial scallop harvest.

BACKGROUND: In March 2000 the board restricted the PWS commercial scallop fishery to the Eastern Section of the Outside District. Hence, the reference to Inside District closed waters is confusing and unnecessary.

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

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

Cook Inlet Commercial Dungeness

PROPOSAL 319, PAGE 232, - 5 AAC 32.390. Cook Inlet Area Dungeness Crab Fisheries Management Plan.

PROPOSED BY: Alaska Department of Fish and Game

WHAT WOULD THE PROPOSAL DO? This proposal would remove the regulatory sunset clause and retain the original regulation requiring the Cook Inlet Dungeness crab fishery to remain closed.

WHAT ARE THE CURRENT REGULATIONS? Regulation 5 AAC 32.390 closes Cook Inlet Area commercial, sport and personal use Dungeness crab fisheries until the stock has recovered and the board adopts a management plan that considers 14 points identified in regulation.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL IS ADOPTED? If this proposal were adopted, the Cook Inlet Area Dungeness crab fishery would remain closed.

BACKGROUND: In 1997 the board closed all Dungeness crab fishing in the Cook Inlet Area and adopted a 14-point management plan regulation that identifies specific points that must be considered in crafting a fishery management plan. The commercial Cook Inlet Dungeness crab fishery occurred in two areas, the Southern and Central Districts. A limited entry program was adopted for the fishery in 1993 and resulted in 103 pot permits and 2 ring-net permits. Harvests in the Southern District composed the overwhelming majority of Dungeness landings with harvests from 1980 to 1990 ranging from 28,938 pounds in 1990 to 1.9 million pounds in 1980. Central District harvests during the same period ranged from 0 in 1980 and 1981 to 41,941 pounds in 1988.

Historically, sport and personal use fisheries targeted Dungeness crab primarily in Kachemak Bay, east of the Homer Spit. Kachemak Bay was closed to sport and personal use Dungeness crab fishing in 1998 by emergency order based upon results of department pot surveys. Sport and personal use Dungeness crab fisheries were closed by regulation in 2000 when they were included in the Cook Inlet Area Dungeness Crab Fisheries Management Plan (5 AAC 31.490). The closure was based upon continued low catches in department pot surveys.

The department conducted Dungeness pot surveys in Kachemak Bay from 1990 to 2000 and multispecies trawl surveys from 1990 to the present. Pot survey catches peaked in 1992 when 90

pot lifts yielded 1,641 male Dungeness crab. The most recent pot survey in 2000 yielded a total of nine Dungeness crab in 90 pot lifts. The 2005 trawl survey captured a total of 41 male Dungeness crab.

DEPARTMENT COMMENTS: The department submitted and SUPPORTS this proposal. Survey data indicate that Dungeness crab in the Southern District remain at a very low level and cannot sustain a harvest at this time. The department is committed to monitoring stock conditions and when these stocks exhibit a recovery, the department will develop a management plan for board approval. The current low Dungeness crab levels observed in the Southern District are reflective of stock conditions throughout Cook Inlet.

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

Cook Inlet Commercial Miscellaneous

PROPOSAL 320, PAGE 233, - 5 AAC 38.390. Cook Inlet Area miscellaneous shellfish fisheries management plan.

PROPOSED BY: Alaska Department of Fish and Game

WHAT WOULD THE PROPOSAL DO? This proposal would remove the regulatory sunset clause and retain the original regulation requiring that miscellaneous shellfish fisheries (except clams, mussels, and scallops) in the Cook Inlet Area remain closed.

WHAT ARE THE CURRENT REGULATIONS? Regulation 5 AAC 38.390 closes all fisheries for miscellaneous shellfish, except clams, mussels, and scallops, until stocks recover and a management plan is developed by the department and adopted by the board.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL IS ADOPTED? If this proposal were adopted, there would likely be no change in Cook Inlet's miscellaneous shellfish fisheries.

BACKGROUND: In 1997, the board closed all Cook Inlet Area miscellaneous shellfish fisheries, except clams, mussels, and weathervane scallops, and adopted a 14-point management plan regulation that identifies specific topics that must be considered in crafting a fishery management plan. Specific fisheries closed by this action included those for Southern District green sea urchin and sea cucumber. These fisheries were managed under a rotating harvest scheme with attempts to spread effort throughout the open areas, as well as catch reporting and logbook requirements and low GHs. The urchin fishery began in 1987 with 224 pounds harvested, increased to 20,445 pounds in 1991 (including two years of no effort), and peaked in 1993 at 195,403 pounds. The peak harvest came from a single bay and subsequent efforts to locate commercial quantities were unsuccessful. The Southern District sea cucumber fishery experienced a similar patten of low-level harvest followed by a steep harvest decline and

unsuccessful attempts to locate areas with harvestable surplus. Prior to the fisheries, the department lacked survey or stock assessment data and attempted to use the fisheries to develop this information. The effort was unsuccessful.

In 2004 the department secured grant funding for a two-year project to assess green sea urchins and sea cucumbers within the Southern District. Survey data indicate these resources remain in a depressed condition and no fishery is warranted.

Other resources potentially affected by the original management plan closure included octopi and mussels. Subsequent to adoption of the management plan regulation, the board in 2000, adopted a bycatch only fishery for octopi with a 35,000-pound allowable harvest that has been achieved in some years during the Pacific cod pot fishery. Similarly, the board revisited the mussel closure in 2000 and provided for a 5,000-pound harvest.

DEPARTMENT COMMENTS: The department submitted and SUPPORTS this proposal. Fisheries for miscellaneous shellfish in the Cook Inlet area are commensurate with known resources. Without a guiding policy for developing fisheries or the fiscal resources to perform surveys for all miscellaneous species, the current management plan regulation guides future fishery development and buffers against having to develop management strategies after fisheries are established.

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

PROPOSAL 321, PAGE 233, - 5 AAC 38.318(b). Southern District hardshell clam and mussel fishery management plan.

PROPOSED BY: Alaska Department of Fish and Game

WHAT WOULD THE PROPOSAL DO? This proposal would close commercial hardshell clam fishing from November 1 through March 15.

WHAT ARE THE CURRENT REGULATIONS? Clam harvest periods are established by emergency order for up to 48 hours only if there is a minus tide, temperatures on Homer Spit are expected to be above 32° F and windchill temperatures are expected to be above 20° F.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL IS ADOPTED? If adopted, this proposal would have little effect as the department has received few requests from registered commercial clam permit holders to harvest clams during this period.

BACKGROUND: The board restricted the hardshell clam fishery in 1997 with temperature dependent criteria during the November 1 through March 15 period to reduce the mortality of undersized and non-targeted clams during winter harvests. Historically, harvest occurred

between mid-March and mid-September. The department received requests from clam harvesters to monitor temperatures and open the fishery during 2004. However, conditions did not meet the regulatory temperature requirements and no open periods were announced. Bivalve mortality due to cold exposure is well documented, and there are negative public perceptions related to commercial clam harvest in winter. In 1997, the board adopted a 40,000-pound commercial hardshell clam allocation. This amount can be reasonably taken during the 7.5-month open season.

DEPARTMENT COMMENTS: The department submitted and SUPPORTS this proposal. Loss of hardshell clam harvest opportunity during winter months may be perceived to negatively affect development of clam markets. However, the low interest in winter harvest, undocumented exposure related mortality, and the low likelihood of acceptable harvest conditions makes elimination of the winter season a best course for management.

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

Prince William Sound Sport/Personal Use/Subsistence Shrimp

PROPOSAL 302, PAGE 221, - 5 AAC 55.022. (b)(4). General provisions for seasons, bag, possession and size limits, and methods and means for the Prince William Sound Area; 5 AAC 02.215. Subsistence Dungeness crab; and 5 AAC 77.556. Personal Use Dungeness crab fishery.

PROPOSED BY: Alaska Department of Fish and Game

WHAT WOULD THE PROPOSAL DO? This proposal would reference the existing shellfish management plan for Dungeness crab in the sport, personal use, and subsistence regulations.

WHAT ARE THE CURRENT REGULATIONS? All fishing for Dungeness crab is closed in Prince William Sound. Dungeness crab may not be retained or possessed. The Prince William Sound Area Dungeness Crab Fisheries Management Plan (5 AAC 32.290) describes factors that would be considered prior to opening of these fisheries.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL IS ADOPTED? This is a housekeeping proposal that would correct the omission of reference to the management plan for Dungeness crab from the Prince William Sound sport, personal use, and subsistence fishing regulations. The correction would clarify factors necessary to be considered prior to opening of these fisheries.

BACKGROUND: Low abundance of Dungeness crab led the Board of Fisheries to establish the Prince William Sound Area Dungeness Crab Fisheries Management Plan (5 AAC 32.290) in

2000. This plan closed commercial and noncommercial Dungeness crab fisheries in Prince William Sound waters and established criteria for reopening the fisheries.

Prince William Sound regulations for sport 5 AAC 55.022. (b)(4); Personal Use 5 AAC 77.556; and Subsistence 5 AAC 02.215. Dungeness crab fisheries were published without referencing the management plans for those species.

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

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

PROPOSAL 314, PAGE 229, - 5 AAC 55.022 (b)(5). General provisions for seasons, bag, possession, and size limits, and methods and means for the Prince William Sound Area; 5AAC 02.210. (5) Subsistence shrimp fishery; and 5 AAC 77.553. (2) Personal use shrimp fishery.

PROPOSED BY: Alaska Department of Fish and Game

WHAT WOULD THE PROPOSAL DO? This proposal would repeal the requirement for a harvest recording form to take shrimp in Prince William Sound by sport, personal use, and subsistence users.

WHAT ARE THE CURRENT REGULATIONS? A shrimp harvest recording form is required to take shrimp in Prince William Sound. The form must be in possession of a fisherman and be readily available for inspection while taking or transporting shrimp.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL IS ADOPTED? If this proposal were adapted, anglers would no longer be required to obtain a harvest recording form from ADF&G offices or vendors prior to taking or transporting shrimp in Prince William Sound. Estimates of noncommercial shrimp harvest in Prince William Sound would continue to be collected through the Statewide Harvest Survey (SWHS), but subsistence and personal use harvests would not be recorded.

BACKGROUND: Beginning in 2001 a harvest recording form was required to harvest sport, subsistence and personal use shrimp in Prince William Sound. This permit was created to estimate the noncommercial harvest of shrimp in Prince William Sound fisheries and compare that to estimates collected through the SWHS. Three years of data have been collected from the shrimp harvest record cards and compared to the sport shrimp harvest data collected from the SWHS. The estimates derived from these two methods correspond closely. Although the SWHS estimate is slightly lower, partially due to the fact it does not include personal use and

subsistence harvests, it does allow managers to follow trends in the fishery and manage for sustained yield without burdening users and the department with a harvest recording form.

DEPARTMENT COMMENTS: The department submitted and SUPPORTS this proposal. The department believes that the noncommercial shrimp harvest in Prince William Sound can be managed using data collected by the SWHS. Subsistence and personal use harvests are small in comparison to sport harvest, and sport harvest trends are similar to overall harvest trends.

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

PROPOSAL 315, PAGE 230, - 5 AAC 55.022. General provisions for seasons, bag, possession, and size limits, and methods and means for the Prince William Sound Area; 5AAC 02.210. Subsistence shrimp fishery; and 5 AAC 77.553. Personal use fishery.

PROPOSED BY: Alaska Department of Fish and Game

WHAT WOULD THE PROPOSAL DO? This proposal would prohibit disturbing, tampering with, or pulling another person's shrimp pot gear without prior permission of the pot's owner.

WHAT ARE THE CURRENT REGULATIONS? There is no regulation that prohibits disturbing, tampering with, or pulling another person's shrimp pot gear in Prince William Sound.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL IS ADOPTED? If this proposal were adopted, it may help control theft of gear and shrimp in Prince William Sound. Enforcement officers would be able to cite violators who disturb another person's shrimp gear.

BACKGROUND: Shrimp fishing in Prince William Sound has increased since 2001. In 2005 approximately 2,000 anglers obtained permits to participate in the noncommercial shrimp fishery in Prince William Sound. Anglers have reported problems with shrimp pots being tampered with, stolen, or robbed of shrimp if not closely attended. Although a similar regulation is in effect in southeast Alaska, there is no regulation that addresses vandalism or theft of shrimp gear in Prince William Sound.

DEPARTMENT COMMENTS: The department submitted and SUPPORTS this proposal. Similar regulations, on which this proposal was based, have helped alleviate shrimp pot and shrimp harvest theft complaints in Southeast Alaska. Shrimp pot disturbance has been reported by shrimp harvesters in Prince William Sound since 2001, and reported incidences have been increasing.

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

PROPOSAL 316, PAGE 230, - 5 AAC 55.022(b). General provisions for seasons, bag, possession, and size limits, and methods and means for the Prince William Sound Area.

PROPOSED BY: Emil Johnson

WHAT WOULD THE PROPOSAL DO? This proposal would increase the number of pots that could be set from one boat from five to ten, and limit the number of pots per household to five.

WHAT ARE THE CURRENT REGULATIONS? No more than five pots per person, with a maximum of five pots per vessel may be used. Shrimp may be taken from April 15 – September 15; no bag, possession, or size limits. There is no specified household limit.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL IS ADOPTED? If this proposal were adapted, it could double the effort and likely increase the harvest in the fishery.

BACKGROUND: Current shrimp pot limits were established by the Board in 1999 to allow for a modest harvest of Prince William Sound shrimp stocks. Harvest of shrimp by noncommercial users has increased since 2002 from 10,000 lbs to approximately 26,000 lbs in 2004. Historically, large commercial pot shrimp harvests in excess of 290,000 lbs occurred in Prince William Sound prior to closure of this fishery in 1992 due to low shrimp abundance. Shrimp survey index counts conducted by ADF&G Division of Commercial Fisheries indicate an increase in the shrimp abundance as of 2005, but index counts are still at relatively low levels. Additionally, shrimp body size has not increased with abundance in the most recent surveys suggesting that the shrimp age structure may be skewed towards younger, smaller, and less productive individuals

DEPARTMENT COMMENTS: The department is OPPOSED to this proposal for its potential to double the current shrimp fishing effort and harvest. Even without increasing the number of allowable pots per vessel, data collected from Division of Sport Fish shrimp permits and Statewide Harvest Survey indicates a steady growth in the noncommercial shrimp fishery since 2001. The current pot limits satisfy the intent of the regulation established in 1999 by allowing for a modest noncommercial shrimp harvest while shrimp stock abundance improves.

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

Cook Inlet Sport Shellfish

PROPOSAL 322, PAGE 234, - 5 AAC 58.022. (a)(10) & (15). Waters; seasons; bag, possession, and size limits; and special provisions for the Cook Inlet - Resurrection Bay Saltwater Area; 5 AAC 77.511. Personal use shrimp fishery; and 5 AAC 77.512. Personal use Dungeness crab fishery.

PROPOSED BY: Alaska Department of Fish and Game

WHAT WOULD THE PROPOSAL DO? This proposal would reference the existing shellfish management plans for shrimp and Dungeness crab in the sport and personal use regulations.

WHAT ARE THE CURRENT REGULATIONS? Sport and personal use fishing for shrimp and Dungeness crab is closed. Shrimp and Dungeness crab may not be retained or possessed. The Cook Inlet Area shrimp and Dungeness crab fisheries management plans under commercial fishing regulations 5 AAC 31.390 and 5 AAC 32.390 describe factors that would be considered prior to opening of these fisheries.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL IS ADOPTED? This is a housekeeping proposal that would correct the omission of reference to the management plans for shrimp and Dungeness crab from the Cook Inlet-Resurrection Bay sport and personal use fishing regulations. The correction would clarify factors necessary to be considered prior to opening of the sport and personal use shrimp and Dungeness crab fisheries.

BACKGROUND: Low abundance of shrimp led the Board of Fisheries to establish the Cook Inlet Area Shrimp Fishery Management Plan (5 AAC 31.390) in 1997 which closed commercial, sport, and personal use fisheries in Cook Inlet-Resurrection Bay waters and established criteria for reopening the fisheries.

Low abundance of Dungeness crab resulted in passage of 5 AAC 32.390 Cook Inlet Area Dungeness Fishery Management Plan in 1997, closing the commercial Dungeness crab fishery in Cook Inlet and the Outer Gulf Coast including Resurrection Bay and established criteria for future management of commercial fisheries when crab stocks recovered. Continued low stock abundance of Dungeness crabs after 1997, resulted in the inclusion of sport and personal use Dungeness crab fisheries in the Dungeness Fishery Management Plan in 2000, closing these fisheries by regulation and applying the management criteria in the plan to these non-commercial Dungeness crab fisheries.

Sport regulations 5 AAC 58.022 (a) (10) and (15), closing Dungeness crab and shrimp, respectively, and personal use regulations 5 AAC 77.511 and 77.512, closing shrimp and Dungeness crab, respectively, were published without referencing the management plans for those species.

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

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

PROPOSAL 323, PAGE 235, - 5 AAC 58.022. (a)(12) & (13). Waters; seasons; bag, possession, and size limits; and special provisions for the Cook Inlet - Resurrection Bay Saltwater Area; 5 AAC 58.026. (b) Shellfish harvest recording form required; and 5AAC 77.508. Personal use permit for shellfish.

PROPOSED BY: Alaska Department of Fish and Game

WHAT WOULD THE PROPOSAL DO? The proposal would repeal the requirement for a shellfish harvest record to take hardshell clams in Kachemak Bay. “Hardshell clams” are Pacific littleneck clams (*Protothaca staminea*) and butter clams (*Saxidomus giganteus*) for the purpose of this proposal.

WHAT ARE THE CURRENT REGULATIONS? A shellfish harvest recording form is required to dig hardshell clams in Kachemak. The form must be in possession of a household member while digging and the harvest amount, location and species composition, as well as the date and number of diggers in the household participating on a particular day must be recorded before the household leaves the beach.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL IS ADOPTED? This is a housekeeping proposal that would remove a requirement that failed to provide information useful for management of hardshell clams.

BACKGROUND: A shellfish harvest recording form has been required to dig hardshell clams in Kachemak Bay since 1997. The harvest record requirement was to provide effort and harvest information by location within Kachemak Bay and species composition of the harvest. Compliance in obtaining the permit was found to be poor and estimates of harvest composition and location from the permits biased. In 1999, the number of diggers counted on a specific beach was compared to the number of diggers that reported digging at that beach on their permit. During the nine days of the comparison an average of 26% of diggers counted reported digging at the study beach on their permit. The experiment was repeated in 2002 and an average of 43% of diggers counted reported digging at the study beach on their permit. An additional analysis compared the permit database to respondents from the ADFG Sport Fish Division Statewide Harvest Survey (SWHS) who reported harvesting littleneck and butter clams in areas covered by the shellfish harvest recording form requirement. All of the SWHS respondents should have obtained a permit but compliance was only 18.4%, 63.1% and 56.7% (2000, 2001 and 2002 respectively). Furthermore, residents of Kachemak Bay were more likely to obtain a permit and dug in different locations and targeted littleneck and butter clams in different proportions than non-local diggers.

In 2003 and 2004, the shellfish effort and harvest from permits was not compiled by department staff. In 2005, the shellfish harvest recording form was not printed or distributed by the department. Total harvest from Kachemak Bay of all hardshell clam species combined and

digger effort continue to be estimated from the SWHS. Since 2004, digger distribution among beaches has been estimated from the air to track shifts that may occur in use patterns.

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

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

COMMITTEE B: STATEWIDE, NORTON SOUND, AND WESTWARD SHELLFISH (10 PROPOSALS)

Statewide Commercial Dungeness

PROPOSAL 324, PAGE 236, - 5 AAC 32.055. Size limits for Dungeness crab.

PROPOSED BY: Southeast Alaska Fishermen’s Alliance

WHAT ARE THE CURRENT REGULATIONS? Current regulations specify that male Dungeness crabs six and one half inches (165 mm) or greater in shoulder width may be taken or possessed. Shoulder width is defined as the straight-line distance across the carapace immediately in front of the tenth anterolateral spine, excluding the spine.

WHAT WILL BE THE EFFECT IF THE PROPOSAL IS ADOPTED? If this proposal were adopted the millimeter equivalent of 6 ½-inches (165 mm) will not be listed in the regulation booklet.

BACKGROUND: The current size limit of 6½-inches ‘shoulder width’ for Dungeness crabs in Southeast Alaska has been in place since the 1963 season. The millimeter equivalent of six and one half inches (165 mm) was inserted beginning in 1990 regulation booklet. The purpose was to allow for accurate field and court description of deviations from the legal size. The scientific measurement of crab is also accomplished in mm.

DEPARTMENT COMMENTS: The department OPPOSES this proposal. The purpose of listing mm in the regulation booklet is to allow for accurate measurements of deviation from the legal size. Because there are 25.4 mm to an inch, changing the unit of enforcement from the millimeter to the inch would allow fishers more latitude in measuring crabs. It is likely that a higher retention of sublegals would result.

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

Westward Area Shrimp

PROPOSAL 325 – Page 236, - 5 AAC 31.525. LAWFUL GEAR.

PROPOSED BY: Tom Gilmartin

WHAT WILL THE PROPOSAL DO? This proposal would require, on shrimp trawls in Area J, a rigid finfish excluder device, and a minimum cod-end mesh size of 1 7/8”.

WHAT ARE THE CURRENT REGULATIONS? Finfish excluder devices or cod-end minimum mesh size are not specified for shrimp trawls in Area J.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? If this proposal were adopted, bycatch of groundfish in the shrimp trawl fishery would be reduced with adoption of the finfish excluder device. Some sorting of small shrimp may occur with use of the minimum mesh size in the cod end. Shrimp trawls would need to be reconfigured or built to new specifications.

BACKGROUND: Northern pink shrimp, *Pandalus borealis*, compose 85% of Westward Region shrimp populations. Historically, trawl fisheries profitably targeted these smaller, relatively low-valued shrimp by producing large volume. Recent interest in shrimp trawling has focused on sidestriped shrimp, *Pandalopsis dispar*. These larger, sweet-tasting shrimp command a premium price in the market.

Bycatch reduction devices are now required in many shrimp fisheries throughout the world including North Atlantic and Gulf of Maine fisheries for northern pink shrimp and the west coast U.S. and Canadian fisheries for smooth ocean pink shrimp. Commonly known as a “Nordmore grate”, a rigid grid flushes fish out of the top of the net, while the shrimp pass through to the cod end.

In Prince William Sound where a fishery targets sidestriped shrimp, trawls are required to contain a finfish excluder device with a maximum 2 ½” bar spacing (5 AAC 31.225). Maximum bar spacing in other shrimp fisheries range from ¾” in the Gulf of Maine up to 2” in Oregon. Although Oregon has a 2” maximum, much of the fleet uses 1” to keep rockfish bycatch rates low.

A 1 7/8” minimum cod-end mesh size is also specified in Prince William Sound. Southeast Alaska regulations specify a minimum mesh size of 1.35” for shrimp-trawl cod ends except there is a minimum size of 1 7/8” specified in the sidestriped fishing plan (5 AAC 31.112 and 31.125). Some Gulf of Maine and North Atlantic pink shrimp fisheries require at least 1 3/4” mesh in the cod end of the net.

DEPARTMENT COMMENTS: The department SUPPORTS the use of bycatch reduction measures. A rigid, finfish excluder device, properly rigged and monitored should significantly reduce the volume of incidental fish captured while shrimp fishing. For bar spacing, although smaller is better considering groundfish bycatch, passage of larger sidestriped shrimp should be accommodated. Unfortunately, the department does not have research information detailing the groundfish reduction or size of shrimp retained with various bar size spacing. The 2 ½” spacing utilized in PWS may well be larger than necessary. Those shrimp trawls appear to catch even the largest shrimp but also allow entry of sablefish up to 14”. The department is recommending a 2” maximum bar space in Area J as a compromise between the two goals of finfish exclusion and shrimp retention. An experiment later this year testing the effectiveness of various bar spacing has been tentatively scheduled by the department.

The department is NEUTRAL on the proposed minimum mesh size. Product quality and future shrimp recruitment may be enhanced if small shrimp are effectively filtered out. However the fishery then focuses on the larger female shrimp which may negatively impact reproductive potential. A mesh size of 1 7/8" may be too large if an operator decides to target the more abundant pink shrimp rather than sidestriped shrimp. Studies showing either the size of shrimp retained with this minimum mesh size or the mortality of shrimp filtered out have not been conducted. Fishermen can use 1 7/8" mesh now, if they feel their product quality will be improved.

COST ANALYSIS: Adoption of this proposal would result in an additional direct cost for the private person to participate. Fishermen would need to purchase and install a rigid finfish excluding device in their shrimp trawl. The cod end of their shrimp trawl may need to be rebuilt if it does not meet mesh specifications.

Bering Sea Scallops

PROPOSAL 328 - Page 238, - 5 AAC 38.430. Guideline Harvest Range For The Taking Of Scallops

PROPOSED BY: ADF&G

WHAT WILL THE PROPOSAL DO? This proposal will reduce the weathervane scallop guideline harvest range (GHR) in the waters of Scallop Registration Area Q, Bering Sea, from the current range of zero to 400,000 pounds of shucked scallop meat to zero to 300,000 pounds of shucked scallop meat. This reduction will bring the state into compliance with the overfishing definition established in Amendment 6 to the federal Fisheries Management Plan for the Scallop Fishery off Alaska (FMP)

WHAT ARE THE CURRENT REGULATIONS? In scallop Registration Area Q, the guideline harvest range is zero to 400,000 pounds of shucked meat, 5 AAC 38.430 (4).

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? If this proposal were adopted, the GHR in scallop Registration Area Q would be reduced to a cap of 300,000 pounds of shucked meat. Statewide, the department would be in compliance with Amendment 6 of the federal FMP.

Reducing the GHR cap in Registration Area Q, (Bering Sea) has no net affect on this scallop fishery. In the last 10 years, excluding 1995 when the EEZ was closed, the weathervane scallop harvest in the Bering Sea ranged from 10,000 to 205,000 pounds of shucked meats. Since 2002, the harvest has ranged from 10,000 to 92,000 pounds of shucked meats. This is well below the proposed cap of 300,000 pounds of shucked meats.

BACKGROUND: The department worked cooperatively with the North Pacific Fishery Management Council (NPFMC) and the National Marine Fisheries Service (NMFS) to establish a statewide maximum sustainable yield (MSY) for weathervane scallops in Amendment 6 to the federal Fishery Management Plan for the Scallop Fishery off Alaska. The statewide MSY of 1.24 million pounds of shucked meat was determined by averaging commercial harvest from the period 1990 through 1997 excluding 1995. To be in compliance with Amendment 6 of the FMP, the sum of the upper end of the guide harvest ranges (GHRs) in regulation should equal 1.24 million pounds of shucked meats. Currently the sum of the upper end of the guide harvest ranges (GHRs) in regulation equals 1.34 million pounds of shucked meat.

DEPARTMENT COMMENTS: The department submitted and SUPPORTS this proposal.

COST ANALYSIS: Adoption of this proposal is not expected to result in an additional direct cost for the private person to participate.

Statewide Scallops

PROPOSAL 326 - Page 237, - 5 AAC 38.076. ALASKA SCALLOP FISHERY MANAGEMENT PLAN.

PROPOSED BY: Tom Gilmartin

WHAT WILL THE PROPOSAL DO? This proposal would reduce onboard observer coverage in the statewide weathervane scallop fishery from 100% to 30% for vessels 80 feet or less in length overall (LOA).

WHAT ARE THE CURRENT REGULATIONS? The Alaska Scallop Fishery Management Plan, 5 AAC 38.076 (g), allows the department to require a vessel, in a scallop fishery with a guideline harvest range established by regulation, to carry an onboard observer unless the department determines that carrying an observer in that fishery will not serve the purpose of the onboard observer program.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? If this proposal were adopted, scallop vessels less than 80 feet in length could operate without an observer 70% of the time. The department would lose a significant amount of biological data on the scallop resource, and would be unable to enforce crab bycatch caps and to provide for regulatory compliance. The collection of biological and fishery-based data necessary for compliance with federal regulations would be diminished.

BACKGROUND: The weathervane scallop fishery is managed by ADF&G in both state and federal waters under the Alaska Scallop Fishery Management Plan (5 AAC 38.076) and the federal Fishery Management Plan (FMP) for the Scallop Fishery off Alaska. Most management

measures under the federal FMP are delegated to the state. Magnuson-Stevens Act and FMP requirements apply only to the scallop fishery in the EEZ.

The primary purpose of the onboard scallop observer program is to collect a variety of biological and fishery-based data, monitor bycatch, and provide for regulatory enforcement on the scallop catcher-processors. Data are collected on crab and halibut bycatch, discarded scallop catch, retained scallop catch, catch composition, scallop meat-weight recovery, location, area fished, depth fished, and catch per unit effort. Observers report scallop harvest, number of tows, area fished, and crab bycatch to ADF&G three times weekly during the season. Observer-collected data are used inseason to manage the fishery, and preseason to set guideline harvest ranges (GHRs). These data have been invaluable for preparing Essential Fish Habitat (EFH) and Habitat Areas of Particular Concern (HAPC) documents. Observer-collected data have been regularly used in the BOF regulatory process. At the March 2003 BOF meeting, observer-collected data were used to answer questions pertaining to a public proposal for a crab bycatch cap in the Yakutat scallop fishery. For analyzing fine-scale spatial and temporal impacts of the fishery, observer data are critical.

Some Alaska weathervane scallop fishery participants formed a vessel cooperative program prior to the 2000/01 regulatory season. Not all fishery participants are members of the cooperative. The cooperative has led to fewer vessels in the fishery, so it is important that all vessels have 100% observer coverage in order to collect adequate data to manage the fishery and ascertain its impacts as well as providing regulatory enforcement in remote areas of Alaska.

Under 5 AAC 38.076 (g) of the Alaska Scallop Fishery Management Plan, the department may require a vessel fishing in a scallop fishery with a guideline harvest range established by regulation to carry an onboard observer, unless the department determines that carrying an observer will not serve the purpose of the onboard observer program. The NMFS, NPFMC, NPFMC Scallop Plan Team (SPT), and the NPFMC-Scientific and Statistical Committee (SSC) have previously supported 100% observer coverage in the scallop fishery.

All vessels participating in the weathervane scallop fishery in state waters outside of Cook Inlet, may fish a maximum of two-15-foot dredges. Likewise, all but two federal vessel licenses provide for the use of up to two 15-foot dredges in federal waters. The remaining two federal vessel licenses allow the use of up to two 10-foot dredges (or two dredges with a combined width of no more than 20 feet). By state regulation, vessels fishing in the Cook Inlet scallop fishery are limited to the use of a single 6-foot dredge.

Efforts have been made by state and federal agencies to help vessels less than 80 feet in length offset observer costs. To increase fishing capacity and enhance economic viability, the State of Alaska Commercial Fisheries Entry Commission (CFEC), under the vessel limited entry program, permitted the owner of a 58 foot vessel (the smallest in the scallop fleet) to utilize up to an 80 foot LOA vessel in state waters. Amendment 10 to the FMP modified the gear restriction endorsement on two of the nine licenses under the federal License Limitation Program (LLP). The gear restriction endorsements on those two licenses were increased from a single 6-foot dredge to two 10-foot dredges (or two dredges with a combined width of no more than 20 feet) when fishing federal waters outside of Cook Inlet. Observer costs were one factor considered by

the NPFMC when evaluating alternatives for modifying the gear endorsement. “The Council recommended Amendment 10, because it found that it is not economically viable for vessels to operate outside of Cook Inlet with the existing 6-foot dredge gear restriction”. The Council determined that given existing observer requirements and their associated costs, the single 6-ft dredge restriction created a disproportionate economic hardship when fishing in federal waters outside of Cook Inlet (NPFMC 2004). Amendment 10 provides the two affected vessels with an opportunity to capture a larger share of the total catch, thus allowing them to offset observer costs and perhaps enhance their economic viability. Under state regulations, all scallop vessels, regardless of size, are permitted to fish utilizing up to two 15-foot dredges in state waters outside of Cook Inlet.

Onboard observer coverage is paid for by industry. The cost to the vessel is approximately \$325.00/day regardless of vessel size. During the 2005/06 weathervane scallop regulatory season (July 1, 2005 to February 15, 2006) four vessels participated in the statewide fishery outside of Cook Inlet. Two of the vessels were over 80 feet in length and two were under 80 feet in length.

The only scallop fishery in Alaska where department managers do not require 100% onboard observer coverage is the Kamishak District fishery in the Cook Inlet Registration Area. The Kamishak District fishery is prosecuted under a commissioner’s permit that may (1) specify trip duration limits, (2) require logbooks, (3) specify catch reporting requirements, (4) require vessels to contact an authorized department representative before each trip and before landing any harvest, (5) require onboard observers, (6) require catch samples as specified, (7) specify king and Tanner crab bycatch limits, and (8) specify restrictions on having extra units of gear on board the vessel. In Cook Inlet, the department conducts annual crab trawl surveys in the area, assesses the scallop stock on a biennial basis and has had staff available to observe the fishery. If any of these aspects change, the department has the authority to begin requiring third-party contract observers aboard scallop vessels fishing in Cook Inlet.

DEPARTMENT COMMENTS: The department OPPOSES this proposal. Within some federal fisheries, vessels smaller than a predetermined length have been exempt or partially exempt from 100% observer coverage. However, this has introduced substantial uncertainty regarding target catch rates and bycatch rates from the exempted vessels. Unobserved vessels are known to exhibit different fishing behavior than vessels carrying onboard observers.

Data collected by onboard scallop observers are necessary to achieve the requirements set out in the Magnuson-Stevens Act and the federal Fisheries Management Plan for the Scallop Fishery off Alaska including the National Standards for Fishery Conservation and Management. The objective of the FMP is to prevent localized overfishing of scallop stocks and protect the long term productivity of the resource to allow for the achievement of optimum yield on a continuing basis.

Conservative management of the scallop resource is warranted given incomplete data on stock status and biology, and the vulnerability of the scallop resource to localized depletion. Under the FMP, state/federal conservation and management measures shall be based upon the best scientific information available. Federal management objectives include, but are not limited to (1) preventing overfishing while achieving optimum yield on a continuing basis, (2) maintaining

low bycatch of finfish and crab, (3) consideration of the potential impact of scallop fisheries on other fish and shellfish populations and, (4) providing fisheries research, data collection, and analysis to ensure a sound information base for management decisions.

In most areas of the state, the department does not conduct scallop stock assessment surveys, so observer-collected data are even more vital to the management of the resource. In areas where fishery independent assessment surveys occur, fishery data provides another perspective on the health of the stock.

COST ANALYSIS: Adoption of this proposal is not expected to result in an additional direct cost for the private person to participate.

Norton Sound Personal Use Dungeness

PROPOSAL 327, PAGE 237, - 5 AAC 77.112. Personal use Dungeness crab fishery.

PROPOSED BY: Alaska Department of Fish and Game.

WHAT WOULD THE PROPOSAL DO? Delete the personal use Dungeness crab fishery.

WHAT ARE THE CURRENT REGULATIONS? The current regulation allows a personal use Dungeness crab fishery.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL IS ADOPTED? Would eliminate a loophole allowing people to go crabbing in Norton Sound without a subsistence permit even though Dungeness crab are not present in Norton Sound.

BACKGROUND: This is a housekeeping proposal. In 2005 the Board eliminated the personal use king crab and Tanner crab fisheries. All of Norton Sound is a subsistence area and in Norton Sound all subsistence crab fishers are required to obtain a subsistence crab permit. Several years ago an Alaska State Trooper cited a subsistence crab fisher for not having a permit when doing a crab pot check. The cited fisher then obtained a backdated sport fishing license and claimed personal use.

DEPARTMENT COMMENTS: The department submitted and SUPPORTS this proposal. Dungeness crab are not present in Norton Sound. This eliminates any technicalities for not having a subsistence crab permit and makes enforcement easier.

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

Statewide Shellfish and Bottomfish Escapement Requirements

PROPOSAL 247 and 248, Page 184, - 5 AAC 39.145(1). Escape mechanism for shellfish and bottomfish pots.

PROPOSED BY: Albie Morin; Southeast Alaska Fishermen's Alliance

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

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

WHAT WILL BE THE EFFECT IF THE PROPOSAL IS ADOPTED? If this proposal were adopted commercial, personal use, subsistence, and sport fishers could use 90thread instead of 60-thread twine to secure the lid of Dungeness crab pots. Commercial Dungeness crab fishers may not need to change their biodegradable twine mid-season. Lost pots would ghost fish for a longer period.

BACKGROUND: In 1974, a regulation requiring Tanner crab pots south of the latitude of Cape Fairweather to have a seam in the mesh laced with untreated cotton twine was put in place. In 1976, concern about waste of crab and groundfish provided the impetus for the legislature to enact a law requiring a termination device on all shellfish and bottomfish pots. This generated a regulation adopted by the BOF in 1977 requiring an opening laced with 120-thread 100 percent cotton twine, which became effective in 1978. During the 1988 Cook Inlet Tanner crab fishery, delinquent pots left in the water for 60 days following the fishery were found to have their 120-thread rot twine intact, and to have killed large numbers of Tanner crabs. In response, a study of rot-twine degradation rates was conducted in Cook Inlet in December of 1989. Average degradation times of 74, 79, and 80 days respectively for 30-, 42-, and 60-thread 100 percent cotton twine were found when pots were hooked and unhooked 3 times per week. The department used these results as support to propose to the BOF in 1990 that the rot twine requirement be changed from 120 to 30-thread. The Board adopted a change to 30-thread twine. However, subsequently, the 30-thread twine was found by Dungeness fishers to break in periods as short as 37 days when actively used in fishing in the summer in Duncan Canal. The shorter degradation period found in commercial use may be related to more frequent hooking and unhooking of the pots and warmer water temperatures than in the December experiment. As a result the BOF in 1991 raised the size of twine required in Dungeness pots to 60-thread. For the remaining pot fisheries, however, the twine size remained at 30-thread. Also in 1991, the Board

heard testimony from a member of the public regarding the use of galvanic timed release (GTR) devices. Recognizing their potential to provide a more accurately timed escape mechanism, the Board directed the department to conduct a study on their use and report back to the Board via a proposal to change the existing regulation or a report detailing why the GTR would not be a suitable alternative. This resulted in a cooperative study between the Department, the University of Alaska, and commercial pot fishers that showed GTRs of various thicknesses could be used to accurately target biodegradation periods. Subsequently, in 1993, the results of the study were presented to the Board and the regulation was amended to provide for optional use of a 30-day GTR in combination with 36-thread treated or untreated cotton twine.

Larger sized twines were also tested in a 1990 Prince William Sound study in which a weighted twine was suspended in the water and pulled 3 times per week. It was found that one of 15 96-thread 100 percent cotton twines degraded after 153 days; however, the other 14 were still intact at that time.

DEPARTMENT COMMENTS: The department OPPOSES this proposal as it would increase the period of time that a lost or derelict Dungeness crab pot could ‘ghost fish’, increasing indirect fishing mortality. During the 2004/2005 season 390 pot replacement tags were issued. Since not all commercial fishers that lose pots obtain replacement tags, this is a minimum estimate of the number of commercial Dungeness crab pots lost annually that ghost fished for some period of time before the biodegradable twine rotted. There is no way to estimate of the number of personal use, subsistence, and sport pots lost annually. Studies show lethal and sublethal effects of confinement on crabs. These effects can range from weight loss, leg loss, carapace damage, and death depending on the shell condition of the crab, the time period of confinement and the density of crabs in the pot. Field studies indicate 17% mortality of Dungeness crabs over confinements as short as 12 days. Since prior studies demonstrated that 60-thread twine lasts up to 80 days before rotting, it is expected that significant mortality could occur before lost pots are unable to trap crab.

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

PROPOSAL 249: Pages 185-186, - 5 AAC 39.145. ESCAPE MECHANISM FOR SHELLFISH AND BOTTOMFISH POTS.

PROPOSED BY: Alaska Department of Fish and Game

WHAT WILL THE PROPOSAL DO? This proposal seeks a statewide change to the escape mechanism description for rigid mesh subsistence, personal use, and sport shellfish pots so they will function to escape animals captured by lost or derelict pots.

WHAT ARE THE CURRENT REGULATIONS? Current regulations specify that all shellfish and bottom fish pot gear must have an 18-inch opening laced with 100 percent cotton twine of no

more than 30 thread, but Dungeness pots may instead have the lid tie-down straps secured to the pot at one end by a single loop of untreated 100 percent cotton no larger than 60 thread secured so that when the twine degrades the lid will no longer be securely closed. Alternatively, the regulations permit the use of a length of 36-thread treated or untreated twine in conjunction with a 30-day galvanic timed release device to lace close an opening 18 inches in length.

WHAT WILL BE THE EFFECT IF THE PROPOSAL IS ADOPTED? If this proposal were adopted a fourth biodegradable twine mechanism would be described that would function to escape crabs and shrimp from rigid mesh shellfish pots.

BACKGROUND: In recent years there has been an increase in the use of rigid mesh pots, particularly for personal use, sport and subsistence fishing. The current regulations were written with soft mesh and top opening lid pots in mind, and are not easily interpreted for use with rigid mesh pots. See 'Background' for Proposals 247 and 248 for additional information on the development of this regulation.

DEPARTMENT COMMENTS: The Department submitted and SUPPORTS this proposal. This proposal was first considered at the 2005 Statewide King and Tanner crab meeting of the Board of Fisheries in Anchorage. Since there is also rigid mesh pot gear for shrimp and Dungeness and these species were not on the agenda for this meeting the proposal was tabled to the 2006 Statewide Shrimp and Dungeness meeting. Crab exit sideways through escape rings, hence, the most important measurements in considering whether an escape port is sufficiently large to release entrapped crabs is the length of the crab. Table 249-1 gives the largest measured carapace length, width, and total body lengths for commercially captured crab species.

Although the department supports this proposal, feedback we have received since the proposal's original inception has led us to develop alternative regulatory language describing specific escape opening sizes for each pot type rather than simply referencing the maximum escape opening size (see Figure 249-1 for an example of appropriate mechanism). The Department believes that this will be more enforceable.

This substitute regulatory language is:

5 AAC 39.145. ESCAPE MECHANISM FOR SHELLFISH AND BOTTOMFISH POTS.

(4) Effective July 1, 2006 all subsistence shellfish pots, personal use shellfish pots, and sport shellfish pots constructed of rigid mesh must have at least one opening in a sidewall, which may include the tunnel, of the pot. The opening in a king crab or tanner crab pot must be equal to or exceed a 12 inch by 8 inch rectangle; the lower long edge of the opening must be parallel to and within 6 inches of the bottom of the pot. The opening in a Dungeness crab pot must be equal to or exceed a 10 inch by 6 inch rectangle, the lower long edge of the opening must be parallel to and within 6 inches of the bottom of the pot. The opening in a shrimp pot must be equal to or exceed a 4 inch square, the lower edge of the opening must be parallel to and within 6 inches of the bottom of the pot. The opening may be covered with a single panel secured to the pot with no more than four single loops of untreated, 100 percent cotton twine no larger than 30 thread. Each single loop of cotton twine may contain only one knot and may not be laced along the opening. The panel must be attached

to the pot in a manner that when the cotton twine degrades the panel will drop away from the opening, exposing the opening fully.

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

Table 249-1. Maximum total body length calculated for commercially important crab species in Southeast Alaska.

<i>Species</i>	<i>Biological measurement</i>	<i>Maximum biological measurement, mm</i>	<i>Regression</i>	<i>Source</i>	<i>Calculated maximum body length, mm</i>	<i>Calculated maximum body length, in</i>
Dungeness crab	Carapace width excluding 10 th anterolateral spine	233	$MBL = 7.6 + 0.65 * CW$	Jamieson (1992)	159	6.3
Red king crab	Carapace length excluding rostrum	212	$MBL = 128.62 * \ln(CL) - 459.31$	Pengilly, unpublished data	230	9.0
Golden king crab	Carapace length excluding rostrum	214	$MBL = 137.92 * \ln(CL) - 504.53$	Pengilly, unpublished data.	236	9.3
Tanner crab	Carapace width excluding spines	197	$MBL = e^{(0.9744 * \ln(CW))}$	Pengilly, unpublished data	172	6.8

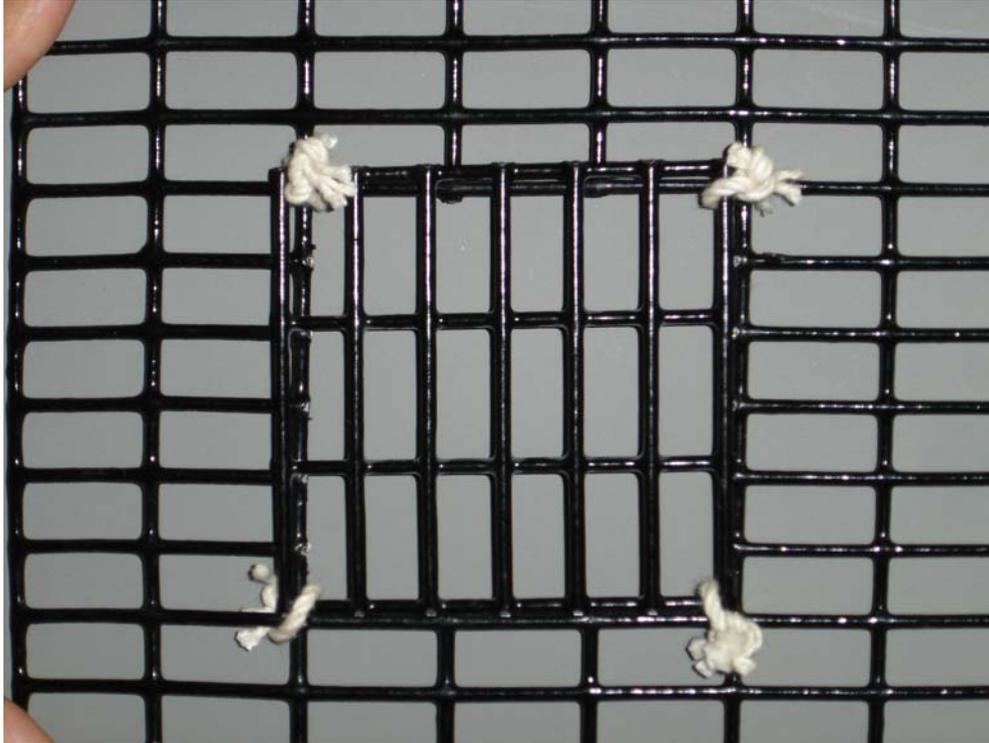


Figure 249-1. Example of escape mechanism that meets the regulatory requirements of Proposal 249.

Bering Sea Bairdi Guideline Harvest Level

PROPOSAL 395 - Page 242, - 5 AAC 35.508 (d). **Bering Sea District *C. bairdi* Tanner crab harvest strategy.** Amend the regulation as follows:

PROPOSED BY: Bill Widing

WHAT WILL THE PROPOSAL DO? This proposal seeks to modify the minimum Total Allowable Catch (TAC) for Tanner crab in that portion of the Bering Sea District east of 166° W long. The proposal does not specify whether a new minimum TAC should be established or if it should be eliminated.

WHAT ARE THE CURRENT REGULATIONS? The Bering Sea Tanner crab harvest strategy specifies that in the Bering Sea District east of 166° W long, a minimum TAC (not including the Community Development Quota) of 4.0 million pounds must be met prior to opening the commercial fishery. There is no minimum TAC west of 166° W long; rather, the harvest strategy directs the department to open and close the fishery based on management that is consistent with the sustained yield principles.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? The proposal does not specify how the minimum TAC should be modified, but presumably it seeks to lower, or eliminate the minimum TAC. If the minimum TAC were lowered the Bering Sea Tanner crab fishery east of 166° W long. could open to commercial fishing with an Individual Fishing Quota TAC of less than 4.0 million pounds if other harvest strategy minimum thresholds are met.

BACKGROUND: The Bering Sea Tanner crab stock is considered overfished and a rebuilding plan was originally adopted in 1999. The harvest strategy adopted by the BOF is part of the rebuilding plan and was designed to rebuild the stock to MSY biomass by 2009. The harvest strategy contains a minimum stock threshold of 21 million pounds of mature female crabs in the Eastern Subdistrict that must be attained to open the fishery, separate TACs for the areas east and west of 166° W long., an exploitation rate that is applied to abundance of molting mature males and which decreases with decreasing mature female biomass, a cap on the exploitation rate of exploitable legal males, and a minimum TAC of 4.0 million pounds for the area east of 166° W long.

The minimum TAC was not considered in analyses of the harvest strategy's efficacy in promoting stock rebuilding within the specified rebuilding period. The minimum TAC for the area east of 166° W long. was added to the harvest strategy as a management tool to help prevent exceeding low TACs in the short duration, high-intensity fishery prior to rationalization. A change in the minimum TAC would not change the minimum stock threshold or the other harvest strategy components that were determined to rebuild the stock within the specified rebuilding period. The minimum TAC allowed for the achievement of the targeted harvest level under the rebuilding harvest strategy.

With the advent of rationalization, a minimum TAC is no longer necessary for inseason management. In the rationalized Bering Sea/Aleutian Islands crab fisheries, the department does not conduct traditional inseason management and season length is determined by defined regulatory opening and closing dates.

DEPARTMENT COMMENTS: The department SUPPORTS lowering or eliminating the minimum TAC for Bering Sea Tanner crab east of 166°. This is an FMP Category 2 (guideline harvest level) management measure.

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

Bristol Bay Crab Rationalization Overage Provisions

PROPOSAL 396 (Formerly ACR #18) - 5 AAC 39.690(d). Bering Sea/Aleutian Islands King and Tanner Crab Community Development Quota (CDQ) Fisheries Management Plan.

PROPOSED BY: Bristol Bay Economic Development Corporation

WHAT WILL THE PROPOSAL DO? This proposal seeks to implement a three percent overage provision for vessels that land Community Development Quota (CDQ) crab.

WHAT ARE THE CURRENT REGULATIONS? Current regulations do not provide for harvest overages of CDQ crab. The department issues a permit to each CDQ group requiring that each CDQ group constrain their harvest of each species of CDQ crab to the group allocation for that species. A landing of CDQ crab that exceeds the CDQ group allocation results in forfeiture of the overage to the state and potential fine.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? If this proposal were adopted, a CDQ group would be permitted to exceed their crab allocation for a given species by up to three percent without penalty.

BACKGROUND: The Bering Sea-Aleutian Islands King and Tanner Crab CDQ Fisheries Management Plan requires the department to calculate an overall CDQ fishery allocation based on the Total Allowable Catch (TAC) for each species of CDQ crab. In addition, the department is required to calculate the amount of king and Tanner crab as specified in the federal CDQ allocation that may be taken by each CDQ group. The CDQ groups are required to manage their fishing activities so that they do not exceed their group's quota.

Given the uncertainty of estimating harvest toward an allocation while at sea, overage provisions help allow for achievement of the entire allocation. Without an overage provision harvesters are generally conservative to avoid overharvest penalties. To date, overall CDQ crab fishery harvests have achieved about 99.6% of their crab allocation, although individual harvests at the group allocation level have varied from 95% to 102%.

If the Board adopts an overage provision the CDQ groups would likely achieve 100% of their allocation. However, implementation of an overage policy at the group level, would likely result in exceeding the CDQ fishery harvest allocation. During recent fishing seasons, some groups have exceeded their quota, but the overall CDQ fishery allocation has never been exceeded. Overage at the group level have resulted in written warnings and forfeiture of the overage to the State of Alaska.

Under crab rationalization, individual fishing quota (IFQ) holders have an overage policy (not regulatory) of up to three percent of the IFQ remaining prior to their last trip which is designed to enable IFQ holders to maximize their IFQ. IFQ holders may land up to three percent above the amount of their IFQ remaining prior to the final trip without penalty, although the quantity of crab above the IFQ amount is seized by NMFS. If the Board adopts this proposal, the department recommends that the IFQ overage policy apply to the CDQ crab fishery, where the allowable 3% overage is calculated on the vessel's last delivery.

DEPARTMENT COMMENTS: The department SUPPORTS a CDQ overage provision that mirrors the federal IFQ overage policy. The overage provision should apply to the CDQ fisheries and the Adak Community Allocation fishery. With rationalization and elongated seasons IFQ

and CDQ may be fished simultaneously and the overage provision should be identical. This is an FMP Category 2 (guideline harvest level) management measure.

COST ANALYSIS: Adoption of this proposal is not expected to result in an additional direct cost for the private person to participate.

COMMITTEE C: SUPPLEMENTAL ISSUES (8 PROPOSALS)

Cook Inlet Salmon

PROPOSAL 390 (Formerly ACR #13) - 5AAC 21.350. Closed Waters.

PROPOSED BY: Alaska Department of Fish and Game

WHAT WOULD THE PROPOSAL DO? This proposal would re-describe the closed waters at Packers Creek using a series of points (GPS) to eliminate the unenforceable and confusing one-mile closure that is currently in regulation.

WHAT ARE THE CURRENT REGULATIONS? The closed area is “within one statute mile of the terminus of Packers Creek”.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED If this proposal were adopted, the regulations would be clear as to what is open and closed in this area around Packers Creek. The intent of this proposal is to settle a closed waters dispute to allow “traditional” set net locations to be fished without allowing new entrants into the area. It essentially allows set gillnet locations that were present prior to 1999 to be fished.

BACKGROUND: Prior to statehood, the closed water markers at Packers Creek were placed one statute mile from the terminus of Packers Creek. As a result of the department moving this marker in 1998, the fisherman who fished in the disputed area submitted an agenda change request in 1999. The BOF accepted this ACR and took regulatory action and left the one mile closure in place with an exclusion from the marker placed at 60 degrees 26.42 minutes N. Lat., 151 degrees 53.32 minutes W. Long. extending 90 degrees (east) from shore. This essentially returned the closed water marker to the location it had occupied prior to the department moving the marker in 1998 and clarified what waters were closed as you move offshore. In 2005 the board removed the exclusion from regulation which has rekindled the problem with respect to the one-mile closure. Currently the regulation “5 AAC 21.350 Closed Waters” defines closed waters as “within one statute mile of the terminus of Packers Creek”. In 2005 the department went and re-measured this marker and did not move it from that location.

In 1959, just prior to statehood there were five salmon traps around Kalgin Island. Each had a closed waters area around the trap that prevented set gillnets from fishing within a specified distance from the trap. In the Packers Creek area there was a 300 foot closed area on each side of the trap marker. In the federal regulations from 1959 the areas open to set gillnets included the area from 60 degrees 26 minutes and 43 seconds N. Lat. 151 degrees 53 minutes and 12 seconds W. Long. to 60 degrees 21 minutes and 45 seconds N. Lat. 152 degrees 4 minutes and 3 seconds W. Long.. This is the area from 300 feet south of the Trap Marker to the south end of the island. While the department is unsure of the exact location of this north stream closure marker in 1959 it is certain it is well south of the location of the trap marker.

DEPARTMENT COMMENTS: The department submitted and SUPPORTS this proposal as a means to clarifying the location of this marker as well as defining the closed waters in this area.

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

Bristol Bay Salmon

PROPOSAL 391 (Formerly ACR #3) - 5AAC 06.360(e). Naknek River Sockeye Salmon Special Harvest Area Management Plan.

PROPOSED BY: Randy Alvarez

WHAT WOULD THE PROPOSAL DO? This proposal would increase the current allowed length of drift gillnet gear from 50 fathoms to 75 fathoms in the Naknek River Special Harvest Area (NRSHA).

WHAT ARE THE CURRENT REGULATIONS? No more than 50 fathoms of drift gillnet may be used to take salmon in the NRSHA.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? If adopted, this proposal would allow drift gillnet permit holders the option of fishing with up to 75 fathoms of drift gillnet gear rather than the current 50 fathoms of gear.

BACKGROUND: The NRSHA has been open for all or part of every season since 1999. Sockeye escapement for the Naknek River has been within or above the escapement goal range in each of these years. With additional drift gillnet gear, harvest could be increased if needed in order to stay within the optimal escapement goal range when fishing in the NRSHA. Current regulations require the Naknek-Kvichak District allocation criteria be applied to the NRSHA fishery. This allows for increased fishing opportunity for the set gill net group if the drift gillnet harvest increases.

Current regulations allow 75 fathoms of drift gillnet gear in the Wood River Special Harvest area.

DEPARTMENT COMMENTS: The department SUPPORTS this proposal. The increase in gear length would allow managers to better regulate sockeye salmon escapement to the Naknek River when the fishery is confined to the NRSHA.

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

PROPOSAL 392 (Formerly ACR #36) - 5AAC 06.364(b)(3). Naknek/Kvichak District Commercial Set and Drift gillnet Sockeye Salmon Fisheries Management and Allocation Plan.

5AAC 06.360(e)(3). Naknek River Sockeye Salmon Special Harvest Area Management Plan.

PROPOSED BY: Howard Knutson

WHAT WOULD THE PROPOSAL DO? This proposal would require all set gillnet gear to be removed from the water when the drift gillnet fleet is behind in the allocation plan by more than 0.5 percent and/or the escapement goal has been exceeded.

WHAT ARE THE CURRENT REGULATIONS? Current regulations in the management plan (5 AAC 06.360(e)(3)) allow set gillnet gear to remain in the water after use in the area from the 18-foot high water line to 500 feet below that line.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? If this proposal were adopted, the set gillnet gear group would have to remove all of their fishing gear after each fishing period in the event that the drift gillnet gear group allocation falls below 83.5% of the harvest and/or the escapement goal is exceeded.

BACKGROUND: When fishing in the Naknek River Special Harvest Area (NRSHA), the commercial sockeye catch is allocated between drift and set gillnet users, 84% and 16%, respectively. Also while fishing in the NRSHA, the Naknek River has an OEG of 800,000 to 2,000,000 sockeye. In addition, fishing periods are set so only one-gear group fishes at a time. When the set gill net group is not fishing, all set gillnet gear associated with fishing within 500 feet of shore can remain in the water. With running lines and buoys spaced 150 feet apart the drift gillnet fleet is restricted from fishing the shoreline. Sockeye migrating within this area pass through the fishery adding to the escapement and also requiring additional periods for the drift gillnet fleet to catch their allocation of sockeye.

With set gillnet gear removed, additional sockeye may be harvested by the drift gillnet fleet thereby allowing more fishing time for the set gillnet group.

DEPARTMENT COMMENTS: The department SUPPORTS removing gear from the near-shore area to allow better access to the fish running along the shoreline. However, the department OPPOSES linking gear removal to achievement of the escapement goal or to the allocation criteria.

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

PROPOSAL 393 (Formerly ACR #44) - 5AAC 06.360(b). Naknek River Sockeye Salmon Special Harvest Area Management Plan.

PROPOSED BY: Alaska Department of Fish and Game

WHAT WOULD THE PROPOSAL DO? This proposal would move the current NRSHA downstream regulatory markers 1,000 feet upstream for drift gillnet periods only. This will exclude the Northland Services barge from the fishery where it is currently moored.

WHAT ARE THE CURRENT REGULATIONS? Current regulations in the management plan (5 AAC 06.360(b)) describe the lower boundary of the inriver fishery, which includes the Northland barge.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? If this proposal were adopted, Northland Services would not be required to bring in all barges to the main loading area at the city dock. A crane and other needed equipment would convert the barge into a loading area minimizing the frequency of cargo vessels traversing through the fishery.

BACKGROUND: The barge platform is in the only location where it will not go dry regardless of tide stage. This area is in the NRSHA just above the lower boundary line. When a drift gillnet fishery is in progress and vessels need to use the platform, it is hazardous for both the drift gillnet fleet and those vessels.

In recent communications with Northland Services, they have indicated that a crane will not be installed on their barge. Based on this communication, there is no longer a need to move the NRSHA lower boundary.

DEPARTMENT COMMENTS: The department recommends NO ACTION on this proposal based on the recommendations of Northland Services.

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

PROPOSAL 394 (Formerly ACR #41) - 5AAC 06.364(b). Naknek/Kvichak District Commercial Set and Drift gillnet Sockeye Salmon Fisheries Management and Allocation Plan.

5AAC 06.373(d). Alagnak River Sockeye Salmon Special Harvest Area Management Plan.

PROPOSED BY: Virginia Tornes

WHAT WOULD THE PROPOSAL DO? The proposal would allow both set and drift gillnet gear in the ARSHA, and would apply the allocation criteria to the catch as specified in the Naknek-Kvichak District Commercial Set and Drift Gillnet Sockeye Salmon Fisheries Management and Allocation Plan.

WHAT ARE THE CURRENT REGULATIONS? Only set gillnet gear is allowed in the ARSHA and the allocation criteria for the Naknek-Kvichak District is not applied to the catch.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? This proposal, if adopted, would allow drift gillnet gear in the ARSHA and the allocation criteria for the Naknek-Kvichak District would be applied to the catch from both set and drift gillnet gear groups fishing in the ARSHA.

BACKGROUND: The board adopted an inriver management plan for the Alagnak River during the March 2005 meeting (5AAC 06.373 Alagnak River Sockeye Salmon Special Harvest Area Management Plan). The fishery was open only to set gillnet gear with a sunset clause of December 31, 2005. The Naknek-Kvichak District allocation criteria did not apply to the catch from this fishery.

Genetic samples were collected during the 2005 fishing season at sites throughout the ARSHA. This information suggests moving the downstream boundary line upriver.

Table 1. Date, time, minimum and maximum tide heights during the opening, stock compositions, number of fish analyzed in the lab and number of fish used in the statistical analysis for each collection of sockeye salmon from the Alagnak River Special Harvest Area sampled in 2005. Fishery collections were taken from tenders while site collections were taken from specific set net sites (see Figure 1).

Sample	Date	Opening times	Tide Min.	Tide Max	Alagnak	Kvichak	N analyzed	N used*
Fishery 1	7/3	13:00-15:30	11.8	14.2	49%	51%	167	159
Fishery 2	7/5	14:30-16:30	10.9	12.4	not analyzed due to low sample size			
Fishery 3	7/6	3:30-8:00	11.3	18.3	86%	14%	95	86
Fishery 4	7/8	4:00-9:30	8.2	17.8	58%	40%	94	63
Fishery 5	7/10	18:30-21:00	8.6	11.0	92%	8%	95	81
Site 1	7/7	16:00-18:00	10.0	11.3	96%	4%	95	80
Site 2	7/7	16:00-18:00	10.0	11.3	57%	42%	95	89
Site 3	7/8	4:00-9:30	8.2	17.8	95%	5%	86	70
Site 4	7/8	4:00-9:30	8.2	17.8	91%	9%	88	72
Site 5	7/11	6:30-12:00	8.1	16.9	96%	3%	80	66

* number of fish used in the statistical analysis - uncontaminated, high quality

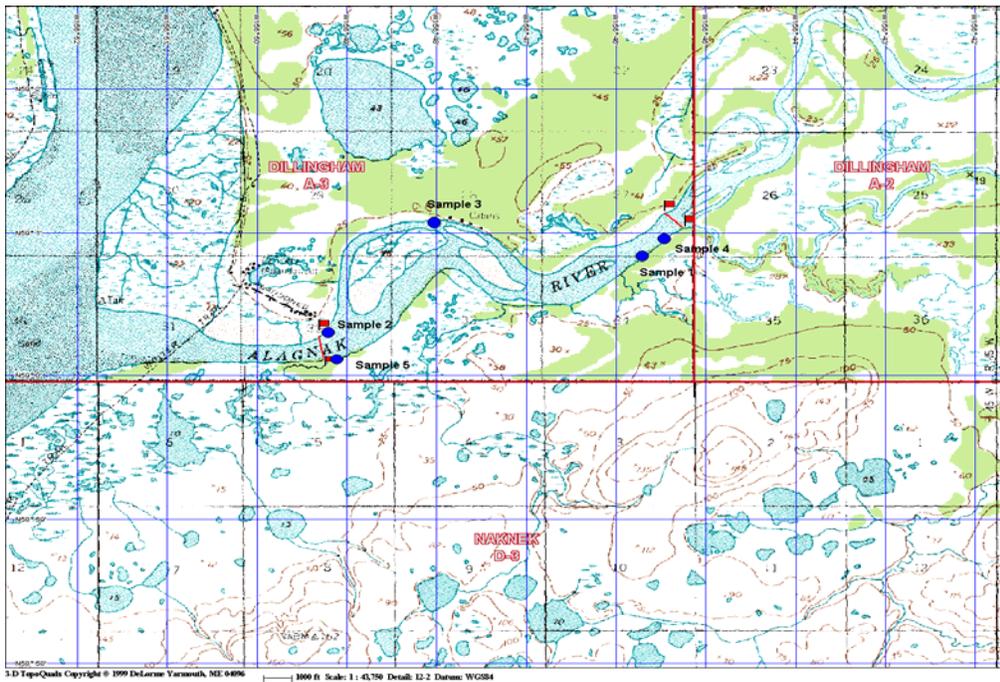


Figure 1. Map of the mouth of the Alagnak River. Flags show the upper and lower extent of the Alagnak River Special Harvest Area in 2005. Sample numbers indicate the locations where sockeye salmon were collected for mixture analysis using genetic data.

DEPARTMENT COMMENTS: The department OPPOSES the use of drift gillnet gear in the ARSHA due to the narrow channel and extended mud flats. The department is NEUTRAL on the application of the allocation criteria to the harvest from the ARSHA.

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

Handicraft Articles From Non-edible By-products

PROPOSAL 397 (Formerly ACR #5) - 5AAC 01.010. Methods, Means, and General Provisions; 5AAC 02.010. Methods, Means, and General Provisions; and 5 AAC 39.975. Definitions

PROPOSED BY: Alaska Department of Fish and Game.

WHAT WOULD THE PROPOSAL DO? Allow the sale of handicrafts made out of the skin or nonedible by-products of finfish or shellfish taken for personal or family consumption in subsistence fisheries, and adopt a definition of “handicraft.”

WHAT ARE THE CURRENT REGULATIONS? Current regulations prohibit the sale of handicrafts made from the skin or nonedible by-products of subsistence-taken finfish and shellfish, and there is no definition of “handicraft” in the subsistence fisheries regulations.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL IS ADOPTED? Would allow the sale of handicrafts made from the skin or nonedible by-products of subsistence-harvested finfish or shellfish.

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

In January 2006, the Federal Subsistence Board adopted Proposal FP06-01 as part of a consent agenda. The federal regulation, which was based upon the Department's proposal to the Board of Fisheries, provides for the sale of handicrafts made from the skin and nonedible byproducts of fish and shellfish taken under the provisions of federal subsistence fishing regulations.

DEPARTMENT COMMENTS: The department submitted and SUPPORTS this proposal. Manufacture and sale of handicraft items made from the skin or nonedible by-products of fish taken for subsistence purposes is part of a cottage industry of craft production and sale in Alaska that is recognized as traditional under Alaska statute but that under a recent interpretation by the Department of Law is illegal under current regulations. This creates a conflict between the provision within state statute to provide opportunities for traditional uses of fish and the current regulation that prohibits a traditional use. The Department foresees no resource conservation or allocation issues resulting from adoption of this proposal.

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

Eliminate Halibut Proxy Fishing

PROPOSAL 398 (Formerly ACR #16) - 5 AAC 01.011. Subsistence fishing by proxy; 5 AAC 75.011. Sport fishing by proxy; and 5 AAC 77.016. Personal use fishing by proxy.

PROPOSED BY: Alaska Department of Fish and Game

WHAT WOULD THIS PROPOSAL DO? This proposal would prohibit proxy fishing for halibut in the state sport, personal use, and subsistence fisheries

WHAT ARE THE CURRENT REGULATIONS? State and Federal regulations regarding proxy fishing for halibut are in direct conflict. The Board of Fisheries adopted regulations in 1994 that provide for proxy fishing for halibut in subsistence, personal use, and sport fisheries. Federal regulations do not provide for proxy fishing for any user group.

State proxy regulations allow a proxy fisherman to harvest two bag limits of halibut; one limit of two fish for the angler and one limit of two fish for the beneficiary they are proxy fishing for.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL IS ADOPTED? If this proposal were adapted, sport, personal use, and subsistence fishermen would not be allowed to proxy fish for halibut.

BACKGROUND: Halibut are managed by the federal government and regulations for all types of halibut fishing are established by the International Pacific Halibut Commission (IPHC). Federal regulations supercede state regulations. Even though proxy fishing for halibut has

occurred in Alaska waters for ten years (1994-2004), this year (2005) federal enforcement staff have stated that they will cite fishermen for proxy fishing for halibut, even though fishermen have all of the state proxy forms, licenses, etc. properly filled out and on their person.

The IPHC received several proposals from residents of Alaska to provide for proxy fishing for halibut. The IPHC Commissioners voted down all of these proposals during their annual meeting in January 2006. Therefore the Department of Fish and Game is requesting that the Board prohibit halibut fishing by proxy to make federal and state regulations consistent and to eliminate the risk of resident anglers being cited for violating federal halibut regulations.

DEPARTMENT COMMENTS: The department submitted this Agenda Change Request and continues to SUPPORT it for the reasons stated above.

COST STATEMENT: The department believes that adoption of this proposal will result in additional direct cost for a private person to participate in this fishery if they have been a beneficiary of a proxy fisherman harvesting halibut for them. This private person will now have to go out and fish for halibut themselves rather than have a proxy fisherman do it for them.

Harvest of Fish by Charter Operators and Crewmembers

PROPOSAL 400 - 5AAC

The department will provide comments at the March Board of Fisheries meeting in a record copy (RC).