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RC4



Coastal Villages Region Fund

711 H Street, Suite 200 • Anchorage, Alaska 99501 • Phone 907.278.5151 • Fax 907.278-5150

February 15, 2008

Mr. Mel Morris, Chairman
Alaska Board of Fisheries
Alaska Department of Fish and Game
Juneau, Alaska 99811-5526

FAX#: (907) 465-6094

PROPOSAL 383: INCREASE HARVEST LEVEL IN THE GOLDEN KING CRAB FISHERY

COASTAL VILLAGES REGION FUND (CVRF) SUPPORTS PROPOSAL 383

Golden King Crab Fishery: At the March 3-9, 2008 Board of Fisheries Meeting, the Board will consider Proposal 383 which calls for a review of the harvest rate in the Aleutian Islands Golden King crab fishery to determine whether the combined eastern/western TAC can be increased above the 1996 cap of 5.7 million pounds.


All data from the fishery – particularly from the fleet and from observers – suggests that the stock in both the eastern and western districts has grown to the point of warranting consideration of increased harvest levels. The catch per unit of effort (CPUE) has increased considerably in the Aleutian Islands Golden King crab fishery since 2004 – by over 50 percent in the eastern district and by over 80 percent in the western district.

The current harvest rate for AIGKC was established in March 1996, when the BOF combined the two areas and capped the TAC at 5.7 million pounds. Twelve years have passed since then, and in the past few years the fleet has encountered fishing conditions that strongly suggest an increase in crab abundance. CVRF therefore strongly supports Proposal 383 which calls for review of the harvest rate – including review of the current mature stock abundance, the recent performance and data from the fishery, the observer data and the recent survey information – to assess if the TAC can be reasonably increased.

Coastal Villages Region Fund: Coastal Villages Region Fund (CVRF) represents 20 villages and 9,000 Alaskans along the Kuskokwim area of the Bering Sea who participate in the Bering Sea and Aleutian Islands crab fisheries through the Western Alaska Community Development Quota (CDQ) Program. CVRF has significant investments in these crab fisheries, including in vessels that participate in the Aleutian Islands Golden King crab fishery. CVRF provides jobs to

its residents in these fisheries as well as uses revenue from the fisheries for economic develop within its region. In 2007 alone, CVRF provided over 100 jobs to Alaskans aboard its BSAI vessels, over 200 jobs to residents at salmon/halibut processing plants in the CVRF region that are subsidized by BSAI pollock and crab revenues, and provided markets to over 300 permit holders from its region in the salmon and halibut fisheries – again using revenues from the BSAI crab and pollock fisheries. CVRF is currently building a new \$30 million processing facility in Platinum/Goodnews Bay that will be operational in 2009 and is also expanding its existing plant in Quinhagak which already provides jobs to 125 residents. Both projects are being paid for entirely with revenues earned by CVRF in the BSAI crab and pollock fisheries. The 20 villages and 9,000 Alaskan residents of the CVRF region would benefit from an increase in the Aleutian Islands Golden King crab TAC.

Thank you,



Larson Hunter
Fisheries Coordinator, CVRF

RC5

MSDH, LLC

A WHOLLY-OWNED SUBSIDIARY OF CBSFA
A WESTERN-ALASKA CDQ ORGANIZATION
ST. PAUL ISLAND, ALASKA

Mr. Mel Morris, Chairman
State of Alaska, Board of Fisheries
ADF&G/Board of Fisheries Support
Juneau, AK 99811-5526

RE: Proposal 383, Increased Harvest Level in Golden King Crab Fishery

February 14, 2008

Dear Chairman Morris:

Multi-Species Development Holdings, LLC (MSDH) and its parent company, Central Bering Sea Fishermen's Association (CBSFA), the CDQ group for Saint Paul Island, support the proposal by Mr. Bing Henkel, the owner of the FV Erla N, for the Alaska Department of Fish & Game (ADF&G) and Alaska Board of Fisheries (BOF) to reevaluate the current cap of 5.7 million pounds in the Aleutian Island Golden King Crab fisheries. MSDH is the crab asset holding company of CBSFA, St. Paul Island's CDQ group.

MSDH and CBSFA own 5.23% of the total IFQ pool and 21% of the CDQ allocation in the Aleutian Island Eastern Golden King Crab (AIGKC) fishery. In total, we hold 6.85% of the 3 million pound EAG TAC. In the west, we own 1.06% of the 2.7 million pound TAC.

Additionally we own 30% of the F/V Early Dawn which is one of the seven harvesting vessels actively participating in the rationalized EAG fishery.

Like others, we have experienced increased catch per unit efforts and as indicated by the 2005-2006 ADF&G summary entitled "Mandatory Shellfish Observer Program" published in February of 2007 there has been a considerable reduction of bycatch in recent years. The rationalized fishery has eliminated the race for fish, substantially reducing the number of vessels and pots on the fishing grounds. In addition, the larger mesh being used on the pots and longer soak times are helping reduce bycatch and mortality of smaller crab by allowing them to escape before reaching the surface.

In conclusion, MSDH and CBSFA believe the rationalized AIGKC fisheries are healthy and deserving of analysis to show whether or not they can sustain a harvest cap in excess of 5.7 million pounds. We agree with Proposal 383 that suggests this assessment should include data obtained from log books, observers, and recent surveys as well as any other applicable science.

Please do not hesitate to contact me should you have further questions or concerns.

Sincerely,



Jeff Kauffman,
General Manager MSDH, LLC
PO Box 323, St. Paul Island, AK 99660
(907)546-2323 or jeff@msdh-llc.com

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CENTRAL BERING SEA FISHERMEN'S ASSOCIATION

Post Office Box 288 ▲ St. Paul Island, Alaska 99660 ▲ Phone (907) 546-2597 ▲ Fax (907) 546-2450

RC6

February 15, 2008

Mr. Melvin Morris, Chairman
 State of Alaska, Board of Fisheries
 ADFG/Board of Fisheries Support
 PO Box 115526
 Juneau, Alaska 99811-5526

Re: Proposal #380, Develop Pribilof Red King Crab Management

Dear Mr. Morris:

The Central Bering Sea Fishermen's Association (CBSFA) supports the efforts by Bering Sea crab fishermen and their organizations to enter into an assessment and planning process that could lead to reopening the Pribilof Red King Crab fishery.

CBSFA holds one hundred percent of the CDQ portion of the Pribilof RKC, so a revitalized fishery for this species would greatly benefit CBSFA and the community of St. Paul. In addition, we own 30% of the crab vessel Early Dawn, proposed as a survey vessel, as well as shares in other crab vessels which could participate in a reopened fishery.

We share the concerns of the Alaska Department of Fish and Game regarding the depressed status of the Pribilof Blue King Crab stocks, and are acutely aware of the need to avoid bycatch of blue king crabs in a red king crab fishery. In fact, as part of a consortium of University of Alaska and NMFS researchers, the Alutiq Pride Hatchery in Seward, and crab industry participants, we have been working for the last two years to more clearly understand the reasons behind the Pribilof BKC decline, with a plan to help toward their rehabilitation. CBSFA will have invested a total of \$200,000 in these efforts by the end of 2008.

However, we believe a cooperative program between industry and ADF&G, as is being suggested, could result in the needed surveys and the appropriate management methods to prosecute a Pribilof RKC fishery. We support your careful consideration of the proposal for a cooperative approach to management of such a fishery, as detailed in a letter to you from Jim Stone. The coop management approach would allow the development of the most scrupulous bycatch avoidance program.

Thank you for your consideration of our comments and concerns.

Sincerely,

Phillip Lestenkof, President
 Central Bering Sea Fishermen's Association

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Deliberation Materials for the Alaska Board of Fisheries: Amount Reasonably Necessary for Subsistence Use Findings, Cook Inlet Tanner Crab, Prince William Sound Tanner Crab, Prince William Sound King Crab

by the

Alaska Department of Fish and Game, Division of Subsistence

March 2008

Alaska Department of Fish and Game

Division of Subsistence



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U.S. Fish and Wildlife Service, 4040 N. Fairfax Drive, Suite 300 Webb, Arlington VA 22203

Office of Equal Opportunity, U.S. Department of the Interior, Washington DC 20240

The department's ADA Coordinator can be reached via phone at the following numbers:

(VOICE) 907-465-6077, (Statewide Telecommunication Device for the Deaf) 1-800-478-3648, (Juneau TDD) 907-465-3646, or (FAX) 907-465-6078

For information on alternative formats and questions on this publication, please visit <http://www.subsistence.adfg.state.ak.us>.

PART ONE

Background for amount necessary for subsistence use (ANS) finding for Cook Inlet Tanner crabs (Proposal 359).

Table 1. – Estimated number of Tanner crabs harvested in the sport/personal use fishery in pot area B, “Cook Inlet Remainder,” including portion of nonsubsistence area.

| Year ¹ | Estimated harvest, number of Tanner crabs ² |
|-------------------|--|
| 1996 | 0 |
| 1997 | 791 |
| 1998 | 46 |
| 1999 | 792 |
| 2000 | 204 |
| 2001 | 76 |
| 2002 | 10 |
| 2003 | Closed |
| 2004 | Closed |
| 2005 | Closed |
| 2006 | Closed |
| 2007 | Closed |

Source: ADF&G Division of Sport Fish 2008.

¹Subsistence fishing for Tanner crabs was not authorized 1981-2007 due to lack of a positive C&T Use finding. The Board made a positive C&T Use finding in November 2007.

²Estimates based upon permit returns.

Table 2. – Other Tanner crab harvests based on ADF&G Division of Subsistence household surveys.

| Community | Years ¹ | Annual average estimated harvest, number of Tanner crabs |
|-----------------------|--------------------|--|
| Seldovia ² | 1991 – 1993 | 630 |
| Port Graham | 1987 – 1997 | 5 |
| Nanwalek | 1987 – 1997 | 0 |

Source: ADF&G Division of Subsistence.

¹ Surveys occurred yearly except in Port Graham and Nanwalek, where surveys occurred in 7 of the 11 years.

² Location of harvest unknown; some unknown amount harvested in Kachemak Bay.

Options for ANS finding.

Option A.

Calculate a range by bounding the sum (rounded to the nearest hundred) of the annual average harvests as reported in Division of Subsistence surveys in Seldovia, Port Graham, and Nanwalek and the average annual harvests reported from sport/personal use fishery permits by +/- 25%. Note that the harvest numbers on sport/personal use permits likely include harvests also reported by Seldovia residents during Division of Subsistence surveys.

1. Average sport/personal use harvest (274) + average subsistence harvest (635) = 909.
2. Round to the nearest hundred = 900 Tanner crabs.

3. $900 \times 25\% = 225$.
4. $900 - 225 = 675$.
5. $900 + 225 = 1,125$.
6. Range of ANS = 675 to 1,125 Tanner crabs.

Figure 1. – Option A: Range from Division of Subsistence surveys and Division of Sport Fish permits.

| | <u>Low</u> | | <u>High</u> | |
|------------------------------|------------|----|-------------|--------------|
| Option A. Possible ANS range | 675 | to | 1,125 | Tanner crabs |

Option B.

Postpone establishing an ANS range for 3 years, until the next Board meeting that addresses this stock. At that time, harvest data from permits will be available to inform discussion of an appropriate ANS range.

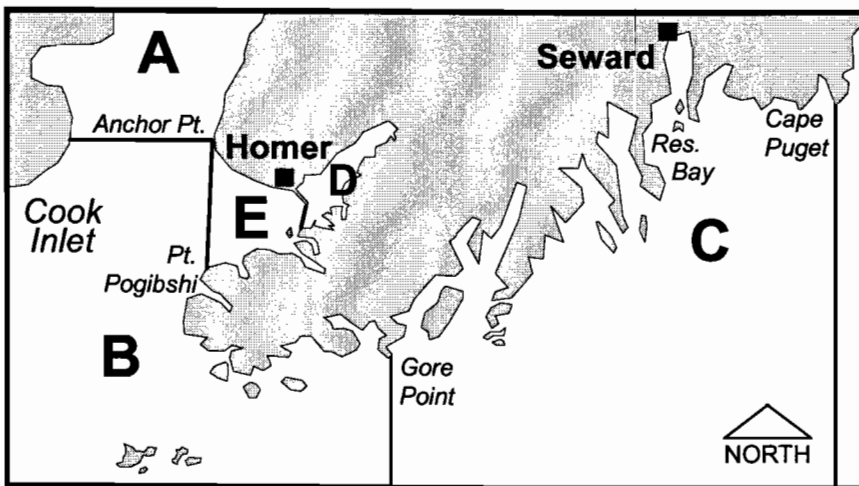


Figure 2. – Map of Cook Inlet - North Gulf Coast pot areas.

Table 3. – Key to Figure 1: Pot area codes.

| Code | Area |
|------|--|
| A | Cook Inlet north of Anchor Point |
| B | Lower Cook Inlet |
| C | North Gulf Coast |
| D | Kachemak Bay east of the Homer Spit and Anisom Point |
| E | Kachemak Bay west of the Homer Spit and Anisom Point |

PART TWO

Background for amount necessary for subsistence use (ANS) finding for Prince William Sound Tanner crabs (Proposals 362, 363, 364, and 365).

Table 4. – Estimated average annual harvests of Tanner crab, Prince William Sound.

| Communities ¹ | Total number of years of Subsistence surveys | Numbers of Tanner crabs | |
|--------------------------|---|-------------------------|-----------------------|
| | | Annual average | Range |
| Chenega Bay | 6 | 58 | 0 – 208 |
| Cordova | 6 | 1,405 | 0 – 4,295 |
| Tatitlek | 5 | 275 | 0 – 500 |
| Valdez ² | 3 | 4,022 | 1,320 – 8,232 |
| Whittier | 1 | 316 | 316 – 316 |
| Sport / personal use | 5 | 300 | 137 – 537 |
| Total | - | 6,376 | 1,773 – 14,068 |

Sources: ADF&G Division of Sport Fish Statewide Harvest Survey for 1994-1998;
ADF&G Division of Subsistence household harvest surveys.

¹ See the “Customary and Traditional Use Worksheet” (RC 2, Tab 20), Table 8, for harvests by community by year.

² Harvests for Valdez and from the Statewide Harvest Survey likely include harvests within the Valdez nonsubsistence area.

Options for ANS finding.

Option A.

Calculate a range by bounding the sum (rounded to the nearest hundred) of the annual average harvests as reported in Division of Subsistence surveys in Prince William Sound and the average annual harvests reported from the Statewide Harvest Survey by +/- 25%.

1. Average sport/personal use harvest + average subsistence harvest = 6,376.
2. Round to the nearest hundred = 6,400 Tanner crabs.
3. $6,400 \times 25\% = 1,600$.
4. $6,400 - 1,600 = 4,800$.
5. $6,400 + 1,600 = 8,000$.
6. Range of ANS = 4,800 to 8,000 Tanner crabs.

Figure 3. – Option A: Range from Division of Subsistence surveys and Division of Sport Fish permits.

| | <u>Low</u> | <u>High</u> |
|------------------------------|------------|--------------------|
| Option A. Possible ANS range | 4.800 to | 8.000 Tanner crabs |

Option B.

Postpone establishing an ANS range for 3 years, until the next Board meeting that addresses this stock. At that time, harvest data from permits will be available to inform discussion of an appropriate ANS range.

PART THREE

Background for amount necessary for subsistence use (ANS) finding for Prince William Sound king crabs (Proposals 361, 363, 364, and 365).

Table 5. – Estimated average annual harvests of king crabs, Prince William Sound.

| Communities ¹ | Total number of years of Subsistence surveys | Numbers of king crabs | | |
|--------------------------|--|-----------------------|-----------|----------------|
| | | Annual average | Range | |
| Chenega Bay | 6 | 7 | 0 | – 21 |
| Cordova | 6 | 108 | 0 | – 377 |
| Tatitlek | 5 | 1 | 0 | – 3 |
| Valdez ² | 3 | 178 | 0 | – 535 |
| Whittier | 1 | 47 | 47 | – 47 |
| Sport / personal use | 2 | 41 | 40 | – 72 |
| Total | - | 382 | 97 | – 1,055 |

Sources: ADF&G Division of Sport Fish Statewide Harvest Survey for 1997 and 1998;

ADF&G Division of Subsistence household harvest surveys.

¹ See the “Customary and Traditional Use Worksheet” (RC 2, Tab 20), Table 20, for harvests by community by year.

² Harvests for Valdez and from the Statewide Harvest Survey likely include harvests within the Valdez nonsubsistence area.

Options for ANS finding.

Option A.

Calculate a range by bounding the sum (rounded to the nearest hundred) of the annual average harvests as reported in Division of Subsistence surveys in Prince William Sound and the average annual harvests reported from the Statewide Harvest Survey by +/- 25%.

1. Average sport/personal use harvest + average subsistence harvest = 382.
2. Round to the nearest hundred = 400 king crabs.
3. $400 \times 25\% = 100$.
4. $400 - 100 = 300$.
5. $400 + 100 = 500$.
6. Range of ANS = 300 to 500 king crabs.

Figure 4. – Option A: Range from Division of Subsistence surveys and Division of Sport Fish permits.

| | | | | |
|------------------------------|------------|----|-------------|------------|
| | <u>Low</u> | | <u>High</u> | |
| Option A. Possible ANS range | 300 | to | 500 | king crabs |

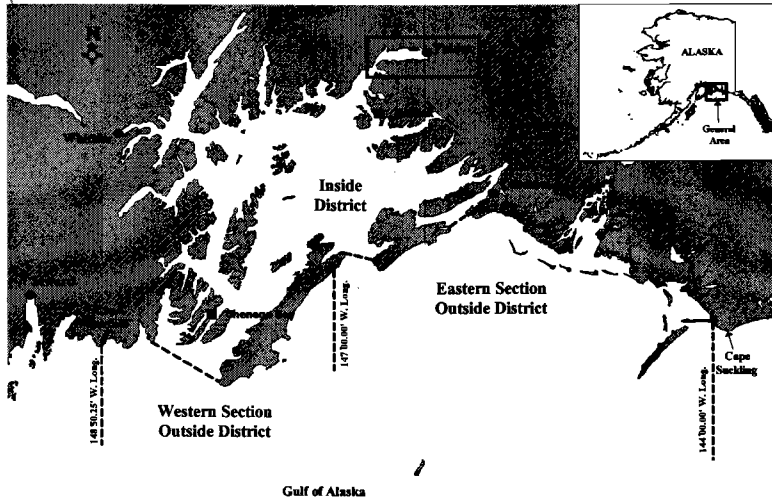
Option B.

Postpone establishing an ANS range for 3 years, until the next Board meeting that addresses this stock. At that time, harvest data from permits will be available to inform discussion of an appropriate ANS range.

| | |
|--|--|
| | |
| | <p style="text-align: center;">Customary and Traditional Uses: Tanner & King Crabs, Prince William Sound Area</p> <p>Prepared for Alaska Board of Fisheries March 2008</p> <p style="text-align: right;"><u>RC 8</u></p> |

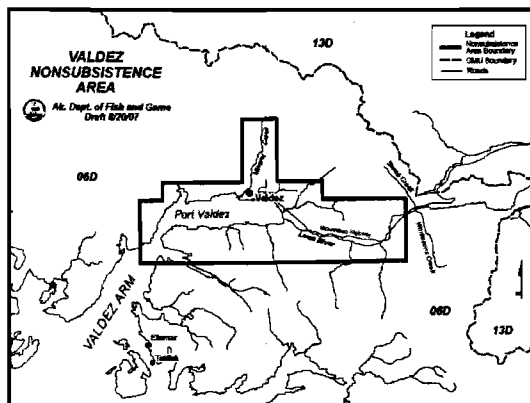
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| | <p style="text-align: center;">Proposals 361 through 365 <i>Prince William Sound Area</i></p> |
| | <p>5 AAC 77.557 Personal use king crab fishery. 5 AAC 77.558 Personal use Tanner crab fishery. 5 AAC 02.220 Subsistence Tanner crab fishery. 5 AAC 02.225 Subsistence king crab fishery. 5 AAC 02.208 Customary and traditional uses of shellfish stocks.</p> <p>Department Recommendation: Opposed as written; the Board first reviews information on C&T uses of Tanner and king crabs, and then determines if harvestable surpluses can support subsistence harvests.</p> <p style="text-align: right;">2</p> |

PWS Management Area



3

Valdez Nonsubsistence Area



4

**Current State Regulations:
*Tanner & King Crabs
in the Prince William Sound Area***

- No C&T finding has been made.
- Tanner crabs: 5 AAC 02.220. Closed until the Tanner crab stocks recover enough to provide a harvestable surplus.
- King crabs: 5 AAC 02.225. Closed until the king crab stocks recover enough to provide a harvestable surplus.
- Closed waters: 5 AAC 02.236. Shellfish may not be taken in the Valdez Nonsubsistence Area.

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State Subsistence Procedures

Board findings on Tanner and king crabs in the PWS Area, outside the Nonsubsistence Area

- Is there Customary and Traditional Use of Tanner or king crabs in the Prince William Sound Area?
 - No determination has been made.
- Is there a "Harvestable Surplus" of Tanner crabs or king crabs in the Prince William Sound Area?
 - To be determined by the Board.
- What is the Amount reasonably Necessary for Subsistence uses (ANS)?
 - No finding has been made; this is a Board determination.
- Does the harvestable surplus allow for all or only some uses?
 - This is a Board determination.

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C&T Harvest and Use Patterns

Criterion 1. Long-term, consistent pattern of use.

- Shellfish, including crabs, have been harvested for food by people living in Prince William Sound communities since long before historic contact up to the present.
- Crabs were harvested in small quantities prior to 1960s; subsistence harvests likely increased with introduction of pots in the 1960s.
- State regulations allowed subsistence harvests of Tanner and king crabs until 1999, when all harvesting was closed due to a lack of a harvestable surplus.

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Criterion 1, continued

- Harvest amounts have varied widely, likely due to relative abundance and stock status.
- In 1997, 27% of households in Chenega Bay used crabs, as did 28% in Cordova and 69% in Tatitlek. About 25% of Valdez households used crabs in the early 1990s, and 32% of Whittier households in 1990 (Table 5, RC 2, Tab 20).
- There is harvest and use information for Tanner and king crabs for the 5 local communities, based on household surveys (Tables 6 and 7, RC 2, Tab 20).
- Harvest estimates by community for Tanner and king crabs are based on household surveys (Table 8, RC 2, Tab 20).
- Harvest estimates for the sport and personal use fisheries are available from the ADF&G Statewide Harvest Survey.

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Table 8. Harvests of King Crab and Tanner Crab by Gear Type

| Community | Study Year | King Crab (numbers) | | Tanner Crab (numbers) | |
|-------------|------------|---------------------|-------|-----------------------|-------|
| | | Removal | Other | Removal | Other |
| Chenega Bay | 1984/85 | 0 | 0 | 0 | 0 |
| Chenega Bay | 1985/86 | 0 | 19 | 0 | 0 |
| Chenega Bay | 1991 | 0 | 0 | 0 | 208 |
| Chenega Bay | 1992 | 0 | 0 | 0 | 118 |
| Chenega Bay | 1993 | 0 | 0 | 0 | 15 |
| Chenega Bay | 1997 | 0 | 21 | 0 | 6 |
| Chenega Bay | 2003 | 0 | 0 | 0 | 0 |
| Cordova | 1985 | 137 | 203 | 621 | 1,573 |
| Cordova | 1988 | 556 | 377 | 2,171 | 445 |
| Cordova | 1991 | 844 | 16 | 243 | 78 |
| Cordova | 1992 | 0 | 33 | 359 | 0 |
| Cordova | 1993 | 18 | 18 | 200 | 2,038 |
| Cordova | 1997 | 98 | 0 | 163 | 4,295 |
| Cordova | 2003 | 16 | 203 | 3 | 192 |
| Tatitlek | 1987 | 0 | 0 | 0 | 286 |
| Tatitlek | 1988 | 0 | 0 | 0 | 500 |
| Tatitlek | 1991 | 0 | 0 | 0 | 0 |
| Tatitlek | 1993 | 0 | 3 | 0 | 185 |
| Tatitlek | 1997 | 0 | 2 | 0 | 405 |
| Tatitlek | 2003 | 0 | 0 | 0 | 0 |
| Valdez | 1991 | 0 | 535 | 0 | 8,232 |
| Valdez | 1992 | 0 | 0 | 0 | 1,320 |
| Valdez | 1993 | 0 | 0 | 0 | 2,514 |
| Whittier | 1990/91 | 0 | 47 | 2 | 316 |

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C&T Harvest and Use Patterns

Criterion 2. A use pattern recurring in specific seasons of each year.

- Marine invertebrate harvests occur throughout the year.
- At Tatitlek, and probably Chenega, Tanner crabs were harvested from September through April.
- Spearing of crabs took place in shallow water in the spring.
- At Cordova, crabs were taken year-round; spring harvests were particularly important.

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C&T Harvest and Use Patterns

Criterion 3. Methods and means of harvest characterized by efficiency and economy of effort and cost.

- In the past, crabs were speared in shallow water in the spring.
- Since about 1960, pots have been set for crabs.
- Access to harvest areas is by small skiffs.
- Crabs also removed from commercial harvests for home use.

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C&T Harvest and Use Patterns

Criterion 4. The area in which the pattern of use has been established.

- For local community residents, most harvest areas within easy reach of community, accessed by small boat.
- Areas used for crab fishing by Cordova residents include Orca Inlet, Orca Bay, Simpson Bay, Gravina Bay, and the Copper River Flats.

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|--|---|
| | <h2 style="text-align: center;">C&T Harvest and Use Patterns</h2> |
| | <p><i>Criterion 5. Means of handling, preserving, and storing game that have been traditionally used by past generations, but not excluding recent technological advances.</i></p> <ul style="list-style-type: none"> ■ Most crab harvests are eaten fresh. ■ Some of harvest is frozen for later use. <p style="text-align: right;">13</p> |

| | |
|--|---|
| | <h2 style="text-align: center;">C&T Harvest and Use Patterns</h2> |
| | <p><i>Criterion 6. The handing down of knowledge of hunting skills, values, and lore from generation to generation.</i></p> <ul style="list-style-type: none"> ■ Tatitlek and Cordova are long-established communities. Valdez established 1898, Whittier in 1940s. Chenega Bay was established in 1983-84 by former residents of Chenega, a previously long-established community. ■ Harvesting marine invertebrates is often a family activity, and creates a social context in which young people learn harvest methods, values, and traditions from older generations. <p style="text-align: right;">14</p> |

C&T Harvest and Use Patterns

Criterion 7. The harvest effort or the products of that harvest are distributed or shared.

- In the past, crab fishing was a specialized activity, because ownership of a boat and pots was necessary.
- Subsistence harvests of crabs were shared widely (shaped by stock status).
- There is harvest and sharing of king and Tanner crab information based on households surveyed in each study year (in RC 2, Tab 20, Tables 6 and 7).

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C&T Harvest and Use Patterns

Criterion 8. A pattern that includes the taking, use, and reliance for subsistence purposes upon a wide diversity of the fish and game resources.

- Marine invertebrates, including crabs, are one of several groups of resources harvested and used by local Prince William Sound communities in the 1980s and 1990s.
- Harvests of all wild resources (*in RC 2, Tab 20, Table 10*).

| | |
|-------------|---------------------------|
| Tatitlek | 270 to 644 lbs per capita |
| Chenega Bay | 275 to 577 lbs per capita |
| Cordova | 128 to 234 lbs per capita |
| Valdez | 88 to 103 lbs per capita |
| Whittier | 80 lbs per capita |
- Harvests and uses of wild resources are diverse, too.

| | |
|------------------------|----------------------------|
| Tatitlek & Chenega Bay | 20 types of resources used |
| Cordova | 12 types |
| Valdez & Whittier | 6-8 types |

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Table 10. Estimated total wild resource harvests, pounds usable weight per person

| Community | Study Year | Estimated Pounds per person |
|-------------|------------|-----------------------------|
| Chenege Bay | 1984 | 316 |
| Chenege Bay | 1985 | 374 |
| Chenege Bay | 1991 | 345 |
| Chenege Bay | 1992 | 414 |
| Chenege Bay | 1993 | 275 |
| Chenege Bay | 1997 | 577 |
| Chenege Bay | 2003 | 471 |
| Cordova | 1985 | 164 |
| Cordova | 1988 | 234 |
| Cordova | 1991 | 189 |
| Cordova | 1992 | 164 |
| Cordova | 1993 | 128 |
| Cordova | 1997 | 179 |
| Cordova | 2003 | 176 |
| Tatitlek | 1987 | 352 |
| Tatitlek | 1988 | 644 |
| Tatitlek | 1991 | 346 |
| Tatitlek | 1993 | 270 |
| Tatitlek | 1997 | 406 |
| Tatitlek | 2003 | 290 |
| Valdez | 1991 | 88 |
| Valdez | 1992 | 103 |
| Valdez | 1993 | 79 |
| Whittier | 1990 | 80 |

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Proposals 361 - 365

Summary:

- These proposals would establish noncommercial harvest opportunities for Tanner crabs (362, 363, 364, 365) or king crabs (361, 364, 365) in the Prince William Sound Management Area.

Department Recommendation: Opposed as written; make a C&T finding for Tanner crabs and king crabs before making any changes to harvest regulations.

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|--|---|
| | |
| | <p><i>Questions?</i></p>  <p><i>Thank you!</i></p> <p>19</p> |

Southern Norton Sound Advisory Committee
Tuesday, February 19, 2008
7:00 p.m. IRA Conference Room, Unalakleet
Draft minutes, crab issues only, 2 pages

RC 9

Members present:

| | |
|---------------|---|
| Unalakleet | Clarence (Junie) Towarak, Dwayne Johnson, Jeff Erickson |
| Saint Michael | Milton Cheemuk |
| Shaktoolik | Myron Savetillik |
| Koyuk | Frank Kavairlook |

Public present: Sheldon Katchetag, Darlene Katchetag, Henry Oyoumick, Art Ivanoff, Wes Jones (NSED) Steve Ivanoff arrived later, also Weaver Ivanoff (Native Village of Unalakleet) was present for part of the meeting.
ADF&G: Susan Bucknell, Boards Coordinator

Meeting called to order about 7:30 p.m.

Crab Proposals

Proposal 387 **Support 6/0**

Wes said that in previous years the department opposed Proposal 387, this year the department is neutral. Jeff said that the department comments sound negative, even if the official position is neutral. Myron mentioned the teleconference meeting held jointly with Northern Norton Sound AC in January. Jeff said that the proposal spells it out pretty clearly, they've been trying to do this for a long time.

Proposal 388 **Neutral 6/0**

Jeff asks if supporting 388 would water down support for 387. Wes thinks not, it just makes the regulations fit what's going on. Wes suggests amending it to just remove the 72 hour waiting period. Dwayne moves to remain neutral on 388. Wes said this was a bigger issue two years ago, it's not such an issue now because the herring buyer is not coming up.

Proposal 389 **Support 6/0**

Someone said this would not have a lot of impact on an active crabber. Wes said this lets us get more biological information on this population. Jeff added it would help spread the fleet. Milton asked about the rate of lost pots in the commercial fishery. Jeff and Wes and Junie all commented to the effect that not many pots are lost. Junie said in almost twenty years of fishing, he's lost five pots. Jeff said he recovered a lost pot at the end of the season, and the break out panel was gone. Milton said the problem was motors getting messed up, hitting old pots.

Proposal 390 **Support 6/0**

Proposal 391 **Fails 0/6**

Art asked how Northern Norton Sound voted on this. Wes said Northern Norton Sound did not support the change, mostly for subsistence users, it would be hard

for them to have the right gear. Henry says any improvement is good. Jeff and Steve said the pots rip open anyway as you drag them. A motion was made to be Neutral on Proposal 391. Jeff said he's opposed. Nit-picky troopers were mentioned. Clarence said the cotton works just fine. He said crabs won't go after old bait anyway, they're very picky. This would be more money we'd have to spend for new rings, just added expense. The motion to be Neutral died for lack of support.

More BOF discussion:

Steve said, re Proposal 387, that icing-in would happen once in fifty years. CFMD never made the effort to get on a boat and see what crabbing is like at St. Michael, Elim, other places - the department has a lack of information.

Wes said that Norton Sound Seafood Processors committee and NSEDC board support Proposal 387. Wes said the department is required to be neutral in BOF committee discussions, since the department comments are neutral.

Carries: Art moves a letter be drafted with advisory committee signatures, to the City of Unalakleet, Northern Norton Sound AC, Commissioner of Fish and Game, the Governor, and Native Village of Unalakleet regarding Proposal 387. Steve suggested requesting Native Village of Unalakleet to support it at the annual meeting on Saturday. Steve said Northern Norton Sound is gun-shy from years of no salmon - we've proved commercial and subsistence fishing can co-exist.

Wes said to call Janice at NSEDC to see if they'll fund another AC member to the BOF. Frank asked Junie if he'd be the alternate to send to BOF on NSEDC funding.

Carries: Frank moves Art and Junie to attend the BOF as SNSAC representatives. Art said they've been working for this for nine years. Milton said they might get more St. Michael fishermen.

Henry presented information on Chinook bycatch: something like 100,000 four-to-five year old kings are caught as bycatch, maybe 50% of those were bound for Norton Sound. He said salmon samples sent for testing are showing higher rates of ichthyophonous than they'd like to see. Jeff asked about where they picked up the disease. Henry said Perdue University suggests doing genetics on the parasite itself. Henry said it will be in his report.

Carries: Art moves as an action item, a letter to North Pacific Fisheries Management Council to address the bycatch problem in the pollack fishery.

Meeting adjourned about 9:45 p.m.

Southern Norton Sound Advisory Committee
Teleconference meeting jointly with Northern Norton Sound
Friday, January 18, 1:30 p.m.
Draft minutes, crab proposals only, 3 pages

Quorums were established for both committees:

Southern Norton Sound

Frank Kavairlook, Myron Savetiilik, Clarence Towarak, Dwayne Johnson, Leonard Kobuk and Kellen Katcheak, and Jeff Erickson briefly.

Also present; Steve Ivanoff.

Northern Norton Sound

Roy Ashenfelter, Lance Cannon, Jack Fagerstrom, tom gray, Richard Kuzuguk, Charlie Lean, Charles Saccheus, Adem Boeckman, Bob Madden Jr., and Chuck Okbaok.

Also present, Austin Ahmasuk, Kawerak.

Start of crab discussion Proposal 387 and 388

Steve Ivanoff (Unalakleet) thanked the Northern Norton Sound AC for hearing him on Proposal 387. He said there are many reasons June 15 would benefit all fishermen. It would be safer, because of long days, lots of boats out and better weather. Later in the season you run into soft shells. Steve said he's talked to many Nome fishermen, they like the idea. It's better for the price. Moving the date for all permit holders doesn't leave anybody out. He hasn't heard any opposition from fishermen. It would free up Norton Bay tendering for silver salmon; last year fishermen didn't have a tender until crab. NSEDC could focus on halibut sooner. Steve said he'd like the opportunity to address any opposition to Proposal 387.

Steve said, NSEDC lobbied us heavily to get into crabbing, in the late 1990's and 2000. We crabbed out of Golovin because there was a boat there. Now we're older, we want to fish closer to home. Most commercial fishers would support the proposal. Northern Norton Sound is newer to the commercial fishery. We've proved commercial and subsistence crabbing can co-exist. Outside of Nome many people don't have jobs, commercial crabbing really helps them get stove oil and all.

Jim Menard reviewed two crab proposals:

388 just says we can start on June 15 every year, no more herring consideration; the department supports.

387 moves the open access crab to June 15. The CDQ fishery would go after, starting in August. The advantage of holding the CDQ fishery first is

local fishers can know where the crab are at the start, then a three day break before going to open access. Jim mentioned the idea of shortening the CDQ fishery, and starting open access on the 25th of June.

People asked why Proposal 387 would be allocative, and said that there are very few non-local crabbers. Jim Menard said the reason it's allocative is putting the CDQ on the back end, open access on the front. If this quota shoots up, a lot more fishermen might come in.

Adem (Nome) my only issue with June 15 is, this would encourage overharvesting on the eastern end. Concern is the amount of effort hitting the Golovin to eastern Norton Sound stocks. Potential allocation issue is, early in the season we could be iced in. Adem asked Clarence if he has any concerns of overfishing in eastern Norton Sound?

Steve said this would spread fishing out.

Clarence (Unalakleet) I'm concerned this would stimulate harvest in eastern Norton Sound. Need to stimulate harvest in the west. Now, Nome guys are hammering the Golovin hole. This would spread out to other areas. Earlier opener would benefit more fishermen.

Tom (White Mountain) I've always said the commercial crabbing has hurt subsistence crabbing in this region. We used to go get 20, 50 crabs in an evening, but for the last 5 or 10 years, lucky to get one crab by handlines. That leaves us that run pots to provide that subsistence crab. Used to get 30-40 in two day soak, now get 3-4 crabs in a two day soak. I believe Norton Bay is an incubator for Norton Sound crab. I believe there should be a line from Topkok to ?? and no crabbing inside. People used to go down with dogs and fill a sled with crabs. Now we've taken away a life style for the dollar bill. Village of 220 people sacrificing for ?? some boats. I don't believe this industry is doing village a favor.

Charles Saccheus (Elim) I'm from a crabbing village, my ancestors crabbled east of Darby. Present time, lot of crab out there; put pot overnight, get 12 or more, keep the big ones, been doing that since time immemorial, I don't want to draw lines.

Clarence- I can understand Tom's concern. It's always in back of my mind when I go out and try my best. This crabbing is affecting more than 25-30 boats. It affects several households in my family. Crab movement is hard to understand. The issue is the earlier opener, and I'm in favor for all the reasons Steve mentioned. I think we've been conservative on our quotas. Thank Northern Norton Sound for this phone connection.

Austin (Nome)-when I was younger, we kids used to piece together anything, dental floss, sparkplugs, anything, go crabbing. My kids can't do that now. Crab moved out of Northern Norton Sound. There's a lot of changes; crab handlining is virtually wiped out, it's gone here, kids can't

anymore, it's entirely a pot fishery. For whatever reason the crab are moving away. I'm older than the commercial fishery, and I've seen the changes.

Adem asked Jim Menard if management is evolving with the fishery? Jim said the trawl surveys are the same. The department will work with NSEDC; they hope in future to understand better if it's all one population or split. Adem - I don't see the effort studying crab like salmon or halibut. There's a minefield of crabpots out there in wintertime, successful longlining is impossible.

Jack (Golovin) If open access fishery starts June 15, where will effort be concentrated? Will everyone move to the east? Someone said it would spread out more, crab spread out in eastern Norton Sound, later in the season move to the donuthole by Golovin.

Clarence; I stayed in eastern Norton Sound all summer last year, and will in the future. June 15 would open up a lot more area, free up the donuthole. I don't think Golovin and White Mountain have to worry, I think it would help them. Jack - it might benefit our subsistence, but our commercial?

There was discussion of where the lines and areas are. Adem mentioned a 3-mile closure line along the line from Stuart Island to Besboro. Jim Menard said there's not so much fishing there. There was discussion of the CDQ fishery moving to the back end of the season. Adem, not a problem; move away from soft shell crab, keep an eye on your catch. It's not a problem to fish later. Someone said they weren't getting the CDQ quota when it was on the back end.

On reconsideration, Northern Norton Sound did not change their earlier opposition to Proposal 387.

Southern Norton Sound will follow their plan to meet in Unalakleet in February and vote on the crab proposals at that time.
End of crab discussion.

Northern Norton Sound Advisory Committee
October 11, 2007

AC Members Present

Roy Ashenfelter (Nome), Lance Cannon (Nome), Jack Fagerstrom (Golovin), Tom Gray (White Mountain), Richard Kuzuguk (Shishmaref), Charlie Lean (Nome), Nate Perkins (Nome), Mike Quinn (Nome), Vernon Rock (Brevig Mission), Charles Saccheus (Elim), Dan Stang (Nome)

Alaska Department of Fish and Game

Peter Bente, Susan Bucknell, Tony Gorn, Jim Magdanz

National Park Service

Mike Thompson

Alaska Department of Public Safety

Jay Sears (present for discussion on proposal 15)

Public

Austin Ahmasuk, Rose Fosdick, Eric Larson, Julie Raymond-Yakoubian

Meeting Convened 9:15 AM.**Roll Call**

Eight members were present, which constituted a quorum. Richard Kuzuguk, Vernon Rock, and Charles Saccheus arrived on morning flights from the villages, and joined the meeting in progress. By 11:00 AM, 11 members were present. Lance Cannon was not present after lunch, leaving 10 members. Charlie Lean was called away briefly about 3:00 PM. At all times, though, a quorum was present.

REVIEW OF AGENDA

Charlie Move to approve – Agenda

Mike Quinn Second

VOTE 8-0 AGENDA ADOPTED

Approval of Meeting Minutes

Directed members' attention to the minutes of two previous meetings that were part of the member's packet.

Nate Move to pass both meeting minutes and ask for unanimous consent.

Mike Second

Roy Any Objection? Hearing none, meeting minutes have been passed.

VOTE **MINUTES APPROVED FOR June 22, 2007 and September 19, 2007.**

Board of Fisheries Proposals

Roy We have five proposals for the Board of Fisheries.

Charlie, I wrote two of these on behalf of my employer, so I may be conflicted on those.

Roy, OK. It would still be helpful if you walked us through them.

Proposal 369

Proposal 369 requires pre-season registration by commercial fisherman. The portion addressing Area Q talks about St. Matthews and the Pribilofs. But it doesn't mention Norton Sound or Kotzebue. It's my opinion that a comment to the effect that this is an unnecessary regulation for the Northern Portion of Area Q. Norton Sound and Kotzebue should not have to be required to pre-register. It requires fishermen to make business decisions months in advance of the season.

Charlie I move that the Area Q registration requirement be amended to include Area Q1 and Area Q2, only.

Tom Second.

Roy Any further discussion?

Vote 8-0 Approved.

Proposal 387 Failed 0/9***& Proposal 388 Supported 9/0***

Member Charles Saccheus arrived. Nine members present.

These two proposals are gradations of the same issue. Both would open the king crab season earlier. On June 15 rather than the current opening of July 1. Proposal 388 allows the CDQ opening on June 15. Proposal 387 allows the opening of the open to entry fishery on June 15.

The crab quota is creeping upward. There are concerns that the catch rate is not sufficient to take the entire quota. The last two weeks of August typically have double-shelled crab, which are not marketable. So the buyer has been forced to close prior to the season end. They want to move the season a little forward to compensate for that problem.

Proposal 387 would open the open-to-entry fisher, the IFQ fishery, to open first, on June 15. Proposal 388 opens the CDQ fishery, which is a quota-owned fishery, which is 7 percent of the entire allowable quota, owned jointly by NSEDC, and Yukon Delta, another CDQ group. In the recent past, the CDQ fisher has operated for 10 days or so, and was taken care of first, typically by Norton Sound Fisherman, also sometimes a few Yukon Delta fishermen. Because that quota is owned, it's usually limited to local fishermen. Proposal 387 moves much more quickly into the full spectrum of fishermen.

We wanted to provide more opportunity to local fishers. Also, there are nursery areas closer to shore in the outlet of Golovin Bay and near Cape Nome. If you open too early, all sizes of crab are mixed together. Essentially, that's not an issue in eastern Norton Sound. In eastern Norton Sound, it's easier for them to fish earlier. Eastern Norton Sound fishermen would like to fish

earlier. Meat fill is an issue and double shells are an issue. The first of August is ideal. If you wait longer, quality declines. But we don't have the fishing power to finish the fishery in a week or two. It takes our fishermen five or six weeks.

If we open the fishery on June 15, and the crab are inside the line here in northern Norton Sound, then boats will go to eastern Norton Sound to crab. That will affect the population there, over time.

Last year there was no commercial herring fishery. So the manager was torn between calling the herring fishery a lost cause, and opening the crab fishery.

I wonder what Austin's survey data shows about subsistence crab harvests in Eastern Norton Sound.

About 20% (of the subsistence survey respondents) commented on the availability of crab. Only 1% thought that there were more crab, and that was in Unalakleet.

Over the past 30 years, the salinity in Norton Sound has increased. The crab was mainly off of Golovin Bay where the ocean is deepest in Norton Sound. Crab died when they were brought to the surface from fresh water poisoning. That's not an issue any longer. These waters are salty. More salinity in the Norton Sound has extended the crab range to the east. If you increase the exploitation rate, total abundance will decline. Absolutely there is less crab today than in 1976. However, it is the most stable population in the state. Our numbers have remained relatively constant for the last 20 years, with minor ups and downs. If you went back to 1976, they wouldn't have caught any crab in Elim, because of the low salinity.

Roy Do I hear a motion to support Proposal 387?

Nate So Moved.

Mike Second.

VOTE 0-9 PROPOSAL 387 FAILS

ROY Do I hear a motion to support Proposal 388.

Mike So moved.

Nate Second.

Roy Further Discussion?

VOTE 9-0 Proposal 388 Approved.

Nate With that said, when the Board of Fish sees our name on the proposal we just endorsed, they will see that the Southern Norton Sound votes for the other one.

The BOF will decide which one to support or amend one and support a proposal.

Proposal 389 Support 9/0

Proposal lowers the legal size of blue king crab from 5 ½ inches to 5 inches. Blue King Crab inhabits King Island and Diomedede Island areas. They grow slower, but grow equally large. We have some data. The problem with the 5 ½ inch size is that only about 5 percent of the males ever attain that size. If you use the same methodology that set the legal size of red king crab in Norton Sound at 4 ¾ inches, the same argument could be used for a 5 inch standard on blue king crab. Basically, sexual maturity occurs at roughly 4 ¾ inches. Typically, legal size has been set one year after sexual maturity, whatever size that was. The 5 ½ size is used at St. Matthew and the Pribilofs, where the red king crab legal size is 6 ½ inches. This may or may not provide opportunity for a commercial harvest.

Is anybody harvesting blue king crab now commercially? Answer No.

Is the fish plant ready to buy these? Answer yes. There are conservation closures around St. Lawrence Island and King Island. There is also blue king crab at the Cape York area of the Seward Peninsula.

Kawerak did a village subsistence survey for foods, what did your survey data show about crab harvests in Wales and Brevig Mission. The survey didn't ask blue king crab. We just asked crab. They are blue king crab and a commercial blue crab fishery may have an impact. No further discussion on impacts because of insufficient data.

VOTE

ROY Do I hear a motion to support Proposal 389.

Mike So moved.

Nate Second.

Roy Further Discussion? All those in favor of the motion say yes and oppose say yes

VOTE 9-0 Proposal 389 Approved.

Proposal 390 Support 8/0

Crab pots have an escapement mechanism. Currently the escape mechanism is designed to prevent "ghost fishing" by lost pots. This proposal is designed to prevent handling mortality. Many of the undersize crab are injured when they are tossed back. We came up with the proposal to put escape rings, so that the pot would only hold large crab, not small crab. Plus the mesh panel would allow the small crab on the bottom to fall out. We think this would be a good thing, and keep unnecessary mortality down.

We are probably the largest fishery in the state that doesn't already have an escape mechanism. We've never had this in our crab fishery. It is going to cost every crab fisherman to go through his pots. We think th proposal is a good thing, especially on the commercial side of it, it's a win-win. It protects the resource at the same time maximizes catch of mostly large crab.

Roy Is there a motion to support proposal 390

Nate So Moved.

Tom Second

VOTE 8-0 approved

Proposal 391 Failed 0/9

Written by a frustrated local resident, who believes cotton string lasts longer than it should. He would like to see us use a small ring with eyebolts in it, a galvanic time release, that would dissolve and pop in a certain time. Galvanic time releases are not available in Nome. How much does this galvanic time release costs? Answer no one knows. Would this affect Commercial or Subsistence? Yes it, does address both. Do those zinc things work? Yes they do. I have used ones that had three month corrosion schedules to set pot through the ice. After breakup, those buoys popped to the surface. The cotton string needs to not dissolve and break completely, it just needs to be weak enough that a crab can break it. Is it pure zinc? Is it available only in a few places. Probably available in commercial supply catalogs. People that want to be conservative can use these, and they should be trying to convince Fish and Game to use them. I have lost and recovered about eight pots. Of those eight pots, only two were still in usable condition. The other six were so digested that there was only a small piece of metal on my rope. Of the two that I recovered, one had a big hole in it. Many pots are lost are lost in the ocean, but I think only a small percentage survive to "ghost fish." Can it be chicken wire? The irony is that many of us are using more rigid materials than we used to use – chicken wire or plastic fencing – you just have to have a cotton string or galvanic release. The report on recovered pots are generally damaged so that all crab can escape makes this proposal unnecessary.

Charlie So Moved

Mike Second

VOTE 0-9 NOT SUPPORTED

Meeting adjourned 4:35 PM

Northern Norton Sound Advisory Committee
Teleconference including Southern Norton Sound AC Members

Special meeting arranged for BOG meeting scheduled January 25, 26, 27 and 28

January 18, 2008 1:45PM

NNSAC Members Present

Roy Ashenfelter (Nome), Lance Cannon (Nome), Jack Fagerstrom (Golovin), Tom Gray (White Mountain), Richard Kuzuguk (Shishmaref), Charlie Lean (Nome), Charles Saccheus (Elim), Adem Boeckman (Nome), Bob Madden, Jr., (Nome), Chuck Okboak, (Teller) quorum was established with nine members present out of 15 members.

Alaska Department of Fish and Game

Susan Bucknell, AC Coordinator; Tony Gorn, Game Biologist and Jim Menard, Fish Biologist,

Public

Austin Ahmasuk

Meeting Convened 1:45 pm.

REVIEW OF AGENDA

Board of Fisheries Proposals

Proposal 387 & 388

These two proposals are gradations of the same issue. Both would open the king crab season earlier. Both currently open July 1, and allow the CDQ opening on Jun 15 provided there is no conflict with the commercial herring fishery.

Is there an issue of taking undersized crab?

The crab quota is creeping upward. There are concerns that the catch rate is not sufficient to take the entire quota. The last two weeks of August typically have double-shelled crab, which are not marketable. So the buyer has been forced to close prior to the season end. They want to move the season a little forward to compensate for that problem.

Proposal 387 would open the open-to-entry fisher, the IFQ fishery, to open first, on June 15. Proposal 388 opens the CDQ fishery, which is a quota-owned fishery, which is 7 percent of the entire allowable quota, owned jointly by NSEDC, and Yukon Delta, another CDQ group. In the recent past, the CDQ fisher is operated for 10 days or so, and taken care of first, typically Norton Sound Fisherman, also sometimes Yukon Delta fishermen. Because that quota is owned, it's usually limited to local fishermen. Proposal 387 moves much more quickly into the full spectrum of fishermen.

We wanted to provide more opportunity to local fishers. Also, there are nursery areas closer to shore in the outlet of Golovin Bay. If you open too early, all sizes of crab are mixed together. Essentially, that's not an issue in eastern Norton Sound. In eastern Norton Sound, it's easier for them to fish earlier. Eastern Norton Sound fishermen would like to fish earlier. Meat fill is an issue and double shells are an issue. The first of August is ideal. If you wait longer, quality declines. But we don't have the fishing power to finish the fishery in a week or two. It takes our fishermen five or six weeks.

If we open the fishery on June 15, and the crab are inside the line here, then boats will go to eastern Norton Sound to crab. That will affect the population there, over time. Last year there was no commercial herring fishery. So the manager was torn between calling the herring fishery a lost cause, and opening the crab fishery.

Over the past 30 years, the salinity in Norton Sound has increased. The crab was mainly off of Golovin Bay where the ocean is deepest in Norton Sound. Crab died when they were brought to the surface from fresh water poisoning. That's not an issue any longer. These waters are salty. More salinity in the Norton Sound has extended the crab range to the east. If you increase the exploitation rate, total abundance will decline. Absolutely there is less crab today than in 1976. However, it is the most stable population in the state. Our numbers have remained relatively constant for the last 20 years, with minor ups and downs. If you went back to 1976, they wouldn't have caught any crab in Elim, because of the low salinity.

Roy Do I hear a motion to change our support for proposal 388.
 Hearing none NNSAC vote will stay the same for support of
 proposal 388 decided on 10/11/2007

Seconded by Bob Madden, Jr.

All those in favor of the motion say yes, 9 voted yes, motion carried unanimously

Teleconference ended at 4:30 pm, the NNSAC adjourned

RC 11

16 pp

STAFF COMMENTS

ON SUPPLEMENTAL PROPOSALS: A, B, 72, 401 and 404,

**ALASKA BOARD OF FISHERIES STATEWIDE KING AND TANNER
CRAB MEETING**

MARCH 3-9, 2008

BY

**ALASKA DEPARTMENT OF FISH AND GAME, DIVISIONS OF COMMERCIAL
FISHERIES, SPORT FISH AND SUBSISTENCE**

The following document is a compilation of Alaska Department of Fish and Game (ADF&G) staff comments on regulatory proposals 401, 404, A, B and 72. These proposals resulted from agenda change requests accepted by the Alaska Board of Fisheries (BOF), were generated by BOF at the work session held in October 2007, or were tabled from a previous regulatory meeting.

These proposals include:

Proposal A (Board Generated Proposal) **5 AAC 57.120. General provisions for seasons, bag, possession, and size limits, and methods and means for the Kenai River Drainage Area.** Prohibit dragging an anchor on the bottom of the Kenai River

Proposal B (Board Generated Proposal) - **5 AAC 61.112 (5)(E). Special provisions and localized additions and exceptions to the seasons, bag, possession, and size limits, and methods and means for Unit 1 of the Susitna River Drainage Area.** Repeal bag and possession limit for Northern pike in Alexander Lake.

Proposal 72 (Tabled from UCI BOF Meeting) - **5 AAC 64.060. Kodiak Area Salt Water King Salmon Sport Fishery Management Plan.** Create an exclusive use area for saltwater sport fishing charter operators in the Kodiak area.

Proposal 401 (was ACR 5) - **5 AAC 52.065. Upper Copper River and Upper Susitna River Area Stocked Waters Management Plan and 5 AAC 70.065. Arctic-Yukon-Kuskokwim Region Stocked Waters Management Plan.** Amend these management plans to provide the department the emergency order authority to reduce bag limits, institute catch and release, or modify methods and means in stocked waters during times of reduced hatchery production

Proposal 404 (was ACR 16) - **5 AAC 06.200 Fishing Districts, Subdistricts and Sections.** Correct an error in regulation.

PROPOSAL A - 5 AAC 57.120. General provisions for seasons, bag, possession, and size limits, and methods and means for the Kenai River Drainage Area. Prohibit dragging an anchor on the bottom of the Kenai River as follows:

Add a new regulation to specify the following:

Dragging an anchor while sport fishing is not permitted on the Kenai River.

Anchored vessel means a vessel on which any device other than oars, paddles or a motor is used to stop the downstream drift of the vessel.

Drifting downstream in a vessel while anchor is deployed without making an attempt to stop the downstream movement of vessel is prohibited

ISSUE: The Board of Fisheries heard from the public that there were habitat disturbance issues associated with the intentional dragging of an anchor while sportfishing. The board chose to generate a proposal to address anchor dragging to allow for additional review and consider making a regulatory change.

WHAT WILL HAPPEN IF NOTHING IS DONE? Continued habitat degradation.

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

WHO IS LIKELY TO BENEFIT? Everyone.

WHO IS LIKELY TO SUFFER? Fishermen using this method.

OTHER SOLUTIONS CONSIDERED? None.

PROPOSED BY: Alaska Board of Fisheries

Staff Comments:

PROPOSAL A - 5 AAC 57.121. Special provisions and localized additions and exceptions to the seasons, bag, possession, and size limits, and methods and means for the Lower Section of the Kenai River Drainage Area; and 5 AAC 57.122. Special provisions and localized additions and exceptions to the seasons, bag, possession, and size limits, and methods and means for the Middle Section of the Kenai River Drainage Area

PROPOSED BY: Board generated proposal on February 12, 2008.

WHAT WOULD THE PROPOSAL DO? This proposal would require that vessels on the Kenai River be stopped when any device other than oars, paddles or motors are deployed to stop or slow the vessel when passengers on board are fishing.

WHAT ARE THE CURRENT REGULATIONS? There are no regulations that prohibit dragging an anchor while sport fishing on the Kenai River or anywhere else in the state.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL IS ADOPTED? If adopted this proposal would alter fishing methods by prohibiting the use of back-trolling anchors (drift-bags, buckets). It would presumably decrease the human-induced disturbance to river bottom habitat and could decrease turbidity caused by dragging anchors. Enforcement of this regulation would be problematic because it would be difficult to delineate accidental from intentional anchor dragging.

BACKGROUND: Fishing from an anchored vessel is commonly practiced in nearly all Kenai River sport fisheries. Generally, when an anchor is deployed or retrieved and when a vessel breaks anchor while passengers are fishing, the anchor drags on the river bottom. Several regulations related to anchors or anchored vessels are in place on the Kenai River: 1) a regulation adopted by the board of fisheries in 2008 prohibits fishing from an anchored vessel in 3 miles of river from river mile 50 at the outlet of Skilak Lake downstream to river mile 47 from August 1-December 31, 2) a DNR regulation states that a person may not anchor a boat in the Kenai River Special Management Area in a manner obstructing a primary traffic channel or drift fishing channel of any section of the river between May 15 and July 31, 3) a DNR regulation states that a person may not leave an anchored buoy unattended in the Kenai River Special Management Area, unless authorized by permit from the director 4) a DNR regulation allows a person to momentarily leave an anchored buoy unattended while pursuing a hooked fish so long as the person returns to the anchored buoy within 20 minutes, and 5) U.S. Coast Guard regulations for inland waterways state that obstruction of the navigable channel is prohibited for reasons of safety.

DEPARTMENT COMMENTS: The department **OPPOSES** this proposal. The degree to which intentional anchor dragging is occurring is unknown. However, naturally occurring disturbances

such as floods, ice scouring, and drifting trees are more likely to disturb river bottom habitat over a broader scale and area when these situations occur. The department recognizes the potential for impacting habitat due to anchor dragging, however this effect on Kenai River habitat is immeasurable.

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

PROPOSAL B - 5 AAC 61.112 (5)(E). Special provisions and localized additions and exceptions to the seasons, bag, possession, and size limits, and methods and means for Unit 1 of the Susitna River Drainage Area. Repeal bag and possession limit for Northern pike in Alexander Lake as follows:

Repeal 5 AAC 61.112 (5)(E)

[(I) NORTHERN PIKE LESS THAN 22 INCHES IN LENGTH, NO BAG OR POSSESSION LIMIT,

(II) NORTHERN PIKE 22 INCHES IN LENGTH TO 30 INCHES IN LENGTH MAY NOT BE RETAINED;

(III) NORTHERN PIKE GREATER THAN 30 INCHES IN LENGTH, BAG AND POSSESSION LIMIT OF ONE FISH;]

ISSUE: The Board of Fisheries heard from the public that there was a problem with excess numbers of Northern pike in Alexander Lake with resulting negative impact on salmon productivity. The board chose to generate a proposal to address pike fishing in Alexander Lake to allow for additional review and consider making a regulatory change.

WHAT WILL HAPPEN IF NOTHING IS DONE? Continued impact on salmon production.

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

WHO IS LIKELY TO BENEFIT? Salmon fishermen.

WHO IS LIKELY TO SUFFER? No one.

OTHER SOLUTIONS CONSIDERED? None.

PROPOSED BY: Alaska Board of Fisheries

Staff Comments:

PROPOSAL B - 5 AAC 61.112. Special provisions and localized additions and exceptions to the seasons, bag, possession, and size limits, and methods and means for Unit 1 of the Susitna River Drainage Area.

PROPOSED BY: Board generate proposal on February 12, 2008.

WHAT WOULD THE PROPOSAL DO? This proposal would eliminate the current slot limit on Alexander Lake for northern pike.

WHAT ARE THE CURRENT REGULATIONS? In Alexander Lake the current size limits and bag limits are as follows;

- northern pike less than 22 inches in length; no bag or possession limit;
- northern pike 22 inches in length to 30 inches in length may not be retained; and
- northern pike greater than 30 inches in length; bag and possession limit of one fish.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL IS ADOPTED? Adoption of this proposal would, in the short term, increase the harvest of large size pike. However, in the long term; it would reduce the number of large size pike in Alexander Lake which would reduce angler participation. Reducing the number of large pike from a population causes anglers to become disinterested and fish elsewhere, resulting in fewer small pike being harvested. Also, removing large pike from the system would decrease the mortality of smaller pike, creating a high density of small pike where stunted growth would be inevitable. Research has shown that small pike tend to eat more salmonids than large pike so this proposal may be counter productive to reducing pike predation on salmonid populations in Alexander Lake.

BACKGROUND: During the 1998 Board of Fish (BOF) meeting, the department was tasked by the Board to investigate potential management strategies that would provide opportunities for anglers to harvest large size pike, but at the same time reduce the number of small size pike which are primarily responsible for decimating salmonid populations. In an effort to test future pike regulatory strategies the department supported a public proposal which was adopted by the Board of fish to institute a slot limit regulation on Alexander Lake. The department was asked by the Board of Fish to evaluate the success of a slot limit management strategies in 2008 and 2009. The slot limit strategy was established to increase angling participation by providing more opportunity to catch larger size pike and reduce the abundance of smaller sized pike by encouraging anglers to keep pike under a certain size limit. Alexander Lake was selected for a slot limit management strategy because the department had conducted a three-year pike study in this lake. This lake also supports a larger catch and harvest rate of pike than any other lake in the Northern and Western Cook Inlet Management Area. The department is planning to evaluate the success of the slot limit management strategy beginning in the spring of 2008.

Typically pike fishermen want the opportunity to harvest large-sized pike. Large pike are old fish and there are generally very few (<5%) in a population that attain sizes greater than 30 inches in length. Large-sized pike are easily exploited by sport anglers. Large pike serve as a control mechanism for decreasing small pike abundance through cannibalism. Large pike may ingest upwards of 40-60 smaller pike each year thereby keeping the population of pike in balance. Results of studies conducted in the Susitna drainage show that large pike tend to be much more cannibalistic than smaller pike. Small pike tend to prey more on salmonids or smaller fishes. By eliminating or reducing numbers of large pike, the abundance of small pike would increase and more than likely they would become stunted. This situation has been documented throughout the mid-western United States. Once large pike are no longer available, angler participation will likely decline leaving a large unexploited population of small pike.

DEPARTMENT COMMENTS: The Department is **OPPOSED** to this proposal. The department is in support of northern pike management strategies that will reduce northern pike abundance in waters where northern pike continue to prey upon native fish populations. However, these strategies should also provide ways to increase angler participation while at the same time decreasing the overall number of small pike. Research has shown that small pike are primarily responsible for reducing salmonid populations. The department is planning to evaluate the effects of the 10-year slot limit in 2008 and 2009.

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

PROPOSAL 72 - 5 AAC 64.060. Kodiak Area Salt Water King Salmon Sport Fishery Management Plan. Create an exclusive use area for saltwater sport fishing charter operators in the Kodiak area as follows:

Add a new regulation to specify the following:

(a) The Kodiak Area (as defined in 5 AAC 64.005) is an exclusive use area for salt water sport fishing charter service operators

(b) A person licensed under 5 AAC 75.075 to provide sport fishing services that operates a salt water sport fishing charter service in the Kodiak exclusive use area at any time during the calendar year may not operate or have operated a salt water sport fishing charter services in any other sport fishing regulatory areas of the State during that same calendar year.

(c) A person licensed under 5 AAC 75.075 to provide sport fishing services that operates a salt water sport fishing charter service in a sport fishing regulatory area other than the Kodiak exclusive use area at any time during the calendar year may not operate or have operated a salt water sport fishing charter services in the Kodiak exclusive use area during that same calendar year.

(d) A vessel registered under 5 AAC 75.077 for sport fishing services that operates a salt water sport fishing charter vessel in the Kodiak Area at any time during the calendar year may not operate or have been operated as a salt water sport fishing charter vessel in any other sport fishing area within the State of Alaska during that same calendar year.

ISSUE: Currently, the potential exists for unlimited increase in the number of salt water sport fishing charter services operators in the Kodiak Area. Kodiak operators are subject to increased competition not only from new operators but also from operators that fish in other sport fishing areas of the State of Alaska. Operators that can move their salt water charter services anywhere within the state have no incentive to protect local area sport fishing resources (such as salmon, halibut and other fish stocks and so not support local economies. Operators from areas outside of Kodiak do not have the same need as Kodiak operators to keep the sport fishery resources of Kodiak healthy and sustainable.

WHAT WILL HAPPEN IF NOTHING IS DONE? Excessive competition will lower the quality of the sport fishing experience for clients and may force local operators out of business. Sport fishing areas will become more and more crowded with charter boats from other areas of the state. Information about sport harvests from the Kodiak Area by non-Kodiak operators may not be available to local ADF&G managers, putting Kodiak sport fishing resources at more risk. The local Kodiak economy will suffer as money from salt water sport fishing charter services and clients that might have been spent on Kodiak goes to other communities.

WILL THE QUALITY OF THE RESOURCE HARVESTED OR PRODUCTS PRODUCED BE IMPROVED? Yes. Limiting participation in Kodiak sport fishing salt water charter services through exclusive use limitations will improve the quality of the sport fishing experience for Kodiak sport fishers and charter vessel clients. Competitive pressure on the sport fishing resources of the Kodiak Area will be lower.

WHO IS LIKELY TO BENEFIT? Operators and clients of sport fishing salt water charter services, and the sport fishing resources of the Kodiak Area.

WHO IS LIKELY TO SUFFER? Salt water sport fishing charter operators that do not care about the health of the fishery resources of Kodiak or the quality of the sport fishing experience of their clients.

OTHER SOLUTIONS CONSIDERED?

PROPOSED BY: Larry Shaker, Charles Glagolich, Tim Tripp, John Witteveen,
Gary Salter, Chris Fiala, David Olsen, and John T. Parker (HQ-07F-427)

Staff Comments:

PROPOSAL 72 - 5 AAC 64.XXX. Create an exclusive use area for saltwater sport fishing charter operations in the Kodiak area.

PROPOSED BY: Larry Shaker, Charles Glagolich, Tim Tripp, John Witteveen, Gary Salter, Chris Fiala, David Olsen, and John T. Parker.

WHAT WOULD THE PROPOSAL DO? This proposal requests that an exclusive use area be established for saltwater sport fishing charter operations for the Kodiak area. The exclusive use area would prohibit saltwater charters from operating in the Kodiak area and any other area in the same year.

WHAT ARE THE CURRENT REGULATIONS? Charter operators and vessels are permitted to operate in multiple management areas during a calendar year.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL IS ADOPTED? This proposal could reduce the number of operators in Kodiak saltwater fisheries limiting effort by eliminating operators who fish more than one sport fish management area. Opportunity for anglers would be restricted and harvest would be reduced. Overall the number of angler days a specific charter boat fished would likely stay the same, the days would just be put in one area instead of split between two or more.

BACKGROUND: Licensing requirements for saltwater guides became effective in 2005. Data from the saltwater logbooks indicates 128 vessels operated in the marine waters of the Kodiak management area (KMA) in 2006. Of those vessels, 21 operated in both Kodiak and Cook Inlet waters. Angler days of effort reported in the logbooks was 14,272 in 2006. Clients harvested an average of 5,000 kings and 11,800 coho salmon. The guided halibut harvest in 2006 was estimated at 14,220 by the statewide harvest survey. This proposal was presented at the Kodiak BOF meeting in January 2008. The issue was discussed in committee and in deliberations before being tabled for final action at the March meeting.

DEPARTMENT COMMENTS: The department is **NEUTRAL** on this proposal due to its allocative nature.

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

Staff Comments:

PROPOSAL 401 (ACR 5) - 5 AAC 52.065. Upper Copper River and Upper Susitna River Area Stocked Waters Management Plan and 5 AAC 70.065. Arctic-Yukon-Kuskokwim Region Stocked Waters Management Plan. Amend this regulation to include the following:

Amend these management plans to provide the department the emergency order authority to reduce bag limits, institute catch and release, or modify methods and means in stocked waters during times of reduced hatchery production.

5 AAC 52.065 (g) and 5 AAC 70,065 (i) at times of reduced hatchery production, the commissioner may, by emergency order, reduce bag limits, institute catch and release, or modify methods and means in stocked waters.

PROPOSED BY: Alaska Department of Fish and Game

WHAT WOULD THE PROPOSAL DO? This proposal would provide the department the emergency order authority to reduce sport harvests in stocked waters of the Upper Copper River/Upper Susitna River Management Area (UCUSMA) and the Arctic-Yukon-Kuskokwim Region (AYK) at times of reduced hatchery production.

WHAT ARE THE CURRENT REGULATIONS?

5 AAC 52.065 Upper Copper River and Upper Susitna River Area Stocked Waters Management Plan

(a) The department shall manage stocked waters in the Upper Copper River and Upper Susitna River Area in order to meet public demand for diverse fishing opportunities. The department may manage fisheries to provide or maintain qualities that are desired by sport anglers. The department shall manage the stocked waters according to one of three management approaches. The management approaches are the

- (1) regional management approach;
- (2) conservative management approach; and
- (3) special management approach.

(b) The board's regulations that govern stocked waters in the Upper Copper River and Upper Susitna River Area shall be consistent with the applicable management approach specified in (a) of this section.

(c) When a water body in the Upper Copper River and Upper Susitna River Area is first stocked, it shall be placed under the regional management approach category. After receiving a proposal from the public, the department, or from the board to reclassify a water body, and when the proposal meets the criteria for a different classification, the board may reclassify the water body. The board may act on a proposal to reclassify a water body or to designate a water body

for special management only if the proposal has been submitted according to the procedures set out in 5 AAC 96.610 and is consistent with the board's regular meeting cycle schedule.

(d) Regional management approach. Under the regional management approach, stocked waters will be managed so that there will be a reasonable expectation of high catch rates and harvesting a daily bag limit. The bag and possession limit is 10 fish in combination of all stocked species, and only one of those fish may be 18 inches or greater in length. The fishing season is open year round and bait may be used.

(e) Conservative management approach. Under the conservative management approach, stocked waters will be managed so that there will be a reasonable expectation to catch a daily bag limit with a reasonable chance of catching fish 18 inches or greater in length. The bag and possession limit is five fish in combination of all stocked species, and only one of those fish may be 18 inches or greater in length. The fishing season is open year round and bait may be used.

(f) Special management approach. Under the special management approach, stocked waters will be managed so that there will be a high probability of an angler catching more than one fish a day that is 18 inches or greater in length. When considering a proposal regarding this management approach, the board should consider taking the following actions:

- (1) limit fishing to
 - (A) catch-and-release fishing;
 - (B) fly fishing;
 - (C) trophy fishing, which means that a fish retained must be 18 inches or greater in length;
- (2) establish seasonal periods when fishing is closed or is restricted to catch-and-release fishing; or
- (3) establish a bag limit of one fish, 18 inches or greater in length, or another appropriate bag and size limit.

5 AAC 70.065. Arctic-Yukon-Kuskokwim Region Stocked Waters Management Plan

(a) The department shall manage stocked waters in the Arctic-Yukon-Kuskokwim Region in order to meet public demand for diverse fishing opportunities. The department may manage fisheries to provide or maintain qualities that are desired by sport anglers. The department shall manage the stocked waters according to one of three management approaches. The management approaches are the

- (1) regional management approach;
- (2) conservative management approach; and
- (3) special management approach.

(b) The board's regulations that govern stocked waters in the Arctic-Yukon-Kuskokwim Region shall be consistent with the applicable management approach specified in (a) of this section.

(c) When a water body in the Arctic-Yukon-Kuskokwim Region is first stocked, it shall be placed under the regional management approach category. After receiving a proposal from the public, the department, or from the board to reclassify a water body, and when the proposal meets the criteria for a different classification, the board may reclassify the water body. The board may act on a proposal to reclassify a water body or to designate a water body for special management only if the proposal has been submitted according to the procedures set out in 5 AAC 96.610 and is consistent with the board's regular meeting cycle schedule.

(d) Regional management approach. Under the regional management approach, stocked waters will be managed so that there will be a reasonable expectation of high catch rates and harvesting a daily bag limit. The bag and possession limit is 10 fish in combination of all stocked species, and only one of those fish may be 18 inches or greater in length. The fishing season is open year round and bait may be used.

(e) Conservative management approach. Under the conservative management approach, stocked waters will be managed so that there will be a reasonable expectation to catch a daily bag limit with a reasonable chance of catching fish 18 inches or greater in length. The bag and possession limit is five fish in combination of all stocked species, and only one of those fish may be 18 inches or greater in length. The fishing season is open year round and bait may be used.

(f) Special management approach. Under the special management approach, stocked waters will be managed so that there will be a high probability of an angler catching more than one fish a day that is 18 inches or greater in length. When considering a proposal regarding this management approach, the board should consider taking the following actions:

(1) limit fishing to

(A) catch-and-release fishing;

(B) fly fishing;

(C) trophy fishing, which means that a fish retained must be 18 inches or greater in length;

(2) establish seasonal periods when fishing is closed or is restricted to catch-and-release fishing; or

(3) establish a bag limit of one fish, 18 inches or greater in length, or another appropriate bag and size limit.

(g) Water bodies managed under the special management approach include

(1) Little Harding Lake;

(2) Harding Lake;

(3) Summit Lake;

(4) Monte Lake;

(5) Donnelly Lake; and

(6) Rainbow Lake.

(h) Water bodies managed under the conservative management approach include

(1) Dune Lake; and

(2) Koole Lake.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL IS ADOPTED? This proposal would amend the UCUSMA and AYK Stocked Waters Management Plans and provide the department the ability to modify bag limits or methods and means in stocked waters to maintain adequate numbers and size of fish in high-use lakes during times of reduced hatchery production.

BACKGROUND: The existing stocked waters management plans for the UCUSMA and AYK management areas do not provide the department emergency order authority to modify bag limits or methods and means in stocked waters. Sport fish hatchery production has been reduced due to aging facilities and loss of warm water for accelerated rearing. As a result, the department has adjusted for these production shortfalls by reducing the number of fish stocked in some waters and has ceased stocking other waters to maintain adequate numbers and sizes of fish in the more popular stocked waters. Specifically, the current hatchery production problems have resulted in

a 35% reduction in fish production in 2007 compared to the 1997 to 2006 average. It is anticipated that hatchery production will remain at reduced levels or continue to decline until the new hatcheries begin operation in 3 to 4 years.

DEPARTMENT COMMENTS: The department submitted this proposal and continues to **SUPPORT** it.

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

Staff Comments:

PROPOSAL 404 (ACR 16) – 5 AAC 06.200 Fishing Districts, Subdistricts and Sections

PROPOSED BY: Warren Johnson, Bristol Bay Driftnetters Association

WHAT WOULD THE PROPOSAL DO? This proposal seeks to correct an error in regulation that is the result of a proposal to redefine the northern boundary of the Ugashik District adopted by the Board at the December, 2006 Bristol Bay finfish meeting in Dillingham.

WHAT ARE THE CURRENT REGULATIONS? The points in the current regulatory language were incorrectly plotted and as a result the size of the district was inadvertently reduced. An error plotting the northwest corner of the “reduced” district effectively increased the size of the reduced district. The reduced district is used in the event of conservation concerns for sockeye salmon in other Bristol Bay districts.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? If this proposal is adopted Ugashik district will be returned to the correct dimensions.

BACKGROUND: At the regular Bristol Bay finfish meeting in 2006 the Board adopted proposal 112 which established a “flat” northern boundary for the Ugashik District. This flat line was along the 57 43.54 north latitude line. Plotting the new coordinates for the northwestern corner of the full district and for the reduced district was done incorrectly such that the legal area of the full district was reduced slightly and the legal area of the reduced district was expanded. This proposal seeks to correct the error and establish the boundaries in their correct location.

Note: in the proposal language the “reduced” district is referred to as the Ugashik Special Harvest Area (SHA). This is incorrect as the SHA in Ugashik is a section within the Ugashik River and is used to provide additional opportunity in the case of large escapements.

DEPARTMENT COMMENTS: The department **SUPPORTS** this proposal that seeks to correct an error in regulation.

COST ANALYSIS: For those individuals that use navigational devices and rely on dealer support, a nominal cost could be incurred to reprogram their devices to reflect the new boundaries. Otherwise the department does not believe that approval of this proposal would result in additional cost for a private person to participate in this fishery.

RC 12

Ocean Fisheries, LLC**F/V Ocean Hunter****7216 Interlaaken Dr. SW****Lakewood, WA 98499****(253) 582-2580****Fax 589-0508****jstonecrab@aol.com****Date: February 21, 2008**

Mel Morris, Chair, Alaska Board of Fish

Boards Support Division

P.O. Box 115526

Juneau, AK 99811-5526

Via Fax 907-465-6094

Re: Proposal 402 (was ACR 6) Develop a new Scallop management plan for State waters, in the event of the Legislative license moratorium expiring.

Chairman Morris

It has come to our attention that SB 251 a Bill to extend the moratorium of the Hair Crab and Scallop Limited entry program, has passed through committee. We believe this bill will pass easily on its own merits, once it is given a fair vote on the Senate and House floors.

We recommend that the Board of Fish delay Proposal 402 currently scheduled for your March 3- 9 meeting. If SB 251 passes, any scallop management plan made in the March BOF meeting would need to be reversed. The normal BOF Scallop cycle is for December 2008. December would be more than enough time to implement any changes, if needed to the Scallop management plan, before the season opening date of July 1, 2009. This will free the Board, Department and Industry to concentrate on the fisheries in their proper cycles assigned to them, saving cost and time to all.

Best regards, Jim Stone

RC13

Provider, Inc.
6821 Hawk Ridge Drive
Ferndale, WA 98248
360 366 9131 facsimile 360 366 9132
teressa@kodiakfishco.com

February 21, 2008

Mel Morris, Chair, Alaska Board of Fish
Boards Support Division
P.O. Box 115526
Juneau, AK 99811-5526
Via Fax 907-465-6094

Re: Proposal 402 (was ACR 6)

Dear Chairman Morris:

We wrote you previously regarding possible Board of Fish action at the upcoming March meeting on Proposal 402 from the Department of Fish and Game. As you may know, the Alaska State Senate passed SB 251 out of committee on February 13. This bill, if passed, would extend the State scallop license program for ten more years. We believe this bill will make good progress in the Senate and will ultimately prevail in both Houses of the legislature.

The extension of this program will render meaningless action that could be taken by the Board at its March meeting. If the program is not extended, the Board will still have ample opportunity to act to protect the scallop resource prior to any unlimited access fishery inside State waters. Any fishing inside State waters in 2008 will have been completed prior to the expiration of the current license program at the end of 2008. The 2009 fishery will not begin until July 1, 2009 so the Board could, if needed, take action during its regular cycle for dealing with the scallop fishery. We believe this would be a more appropriate time and manner for Board action.

Therefore, we ask that you table deliberations on Proposal 402 on the scallop fishery until we know the result of the legislature's action on SB 251.

Thank you for the opportunity to comment.

Sincerely,



Teressa Kandianis
Kodiak Fish Company
For Provider, Inc.



State of Alaska

Department of Public Safety
Division of

Alaska Wildlife Troopers

RC 14

2 pp

Sarah Palin, Governor
Walt Monegan, Commissioner

410 Adams Street, Suite 204
PO Box 817
Seward, AK 99664
(907) 224-3935 Telephone
(907) 224-2446 Facsimile

2/14/08

To Whom It May Concern - Board of Fish:

From an enforcement perspective I provide the following comments with respect to the proposed crab fisheries in PWS and the North Gulf Coast. The comments are directed at proposals 359-365 as these are the full complement of CI/PWS proposals:

- First and foremost, I'm all for opening a new fishery... especially personal use. It is a great opportunity for all resident recreational users to try their luck at a unique fishery that has been non-existent for a long time. Having these opportunities appears to make getting out on the water all that more fun, even if the users don't catch anything. Most are happy just having the opportunity to try and are captivated by seeing what comes up in the pot.
- What concerns me most on this proposal is the allowance of commercial style pot gear. Enforcement cannot support a proposal that would allow the use of this size of gear. The main reason for this is that the Kenai Peninsula/Prince William Sound area does not have any vessels large enough to routinely inspect gear of this caliber. Additionally, we cannot consider chartering private vessels with this capability to accomplish our mandate of inspecting gear on the grounds. This would simply be cost prohibitive. Further, there have been suggestions of inspecting gear dockside to ensure compliance and then tag the pot as legal. This does not work for one main reason. The gear has to be inspected on the grounds while fishing. Throughout my career I've found pots that were legal at some point during the season, but after the cotton has blown out are simply zip-tied back together and continue to fish. The bio-degradable escape panel is the singular most important issue with pot gear. If enforcement is not able to ensure compliance through direct observation, the regulation is meaningless.

"Public Safety through Public Service"

E Detachment
410 Adams - Seward, AK 99664
Voice (907) 224-3935 - Fax (907) 224-2446

- Additionally, the use of commercial gear allows operators to pool crab. I've seen it done with frequency... particularly in South East. PWS will have a highly regulated King/Tanner Crab fishery and I have no doubt that this practice will take place because of the limited bag/possession limits. As we discussed, users are very ingenious when it comes to bag limits. I've seen large males tied in pots with monofilament to prevent escape and fenced off sections. Of course this can be done with sport gear as well, but more likely with commercial gear since the operators know it is virtually un-inspectable. Much of this gear is unmarked as well, since the operators do not want to be readily identified with it. With the sport-style pots, enforcement would simply seize the gear if the violation was egregious enough to warrant. With the large pots, we have no idea what's occurring below the surface, only that we have an unmarked buoy with unknown gear below the surface.
- The argument that will immediately surface will be that you cannot fish in the current with recreation-style pots. This is a bit of a fallacy. A properly weighted recreational-style pot with Samson Line and a low drag buoy will hold the bottom in virtually all locations.
- The commercial style pots also allow a significant competitive edge over the "Regular Joe" that pulls his pots by hand or small davit. Big boats will always have the advantage, but by limiting the gear size it makes the fishery more equitable. Many resource users are a bit put off when they are fishing a recreational-style pot for personal use and a commercial vessel splashes a 6X6 right next to them with 50lbs of bait in it for the same purpose. It is just not equitable between these two types of gear.
- Your suggestion of a top-loading pot -vs.- tunnels is a great idea and reduces the potential to retain crab for the next days bag limit or otherwise. Many of the legal crab that cannot be retained due to reduced bag limits will have a significant opportunity to vacate the pot as it's redeployed. Additionally, I think top-loader pots kill less crab than tunnel style pots when they are lost or abandoned. Admittedly, not having any "real" firm data on our crab stocks seems that good sense and caution are in order to allow this fledgling fishery every opportunity to succeed. My suggestion would be that we develop specific gear requirements that fit enforcement's need to inspect gear, yet is an effective tool to take crab. I'd be more than willing to provide input or assist in the development regarding this endeavor and enforceable standards.

"Public Safety through Public Service"

**E Detachment
410 Adams - Seward, AK 99664
Voice (907) 224-3935 - Fax (907) 224-2446**



Chickaloon Village

Traditional Council

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FCS 27 2003
BOARDS

RC 15

2pp

Katherine Wade,
Clan Grandmother

Gary Harrison,
Traditional Chief

Doug Wade,
Chairman/Elder

Rick Harrison,
Vice-Chairman

Penny Westing,
Secretary

Burt Shaginoff,
Elder Member

Jess Lanman,
Elder Member

Larry Wade,
Elder Member

Albert Harrison,
Elder Member

Jennifer Harrison,
Executive Director

RESOLUTION OPPOSING PROPOSAL 38 – 5 AAC 99.015. JOINT BOARD NONSUSTINENCE AREAS FOR UNIT 13

RESOLUTION 080220-02

WHEREAS, Chickaloon Village Traditional Council is an Indigenous Government with full power and authority to act for the Chickaloon Native Village, Chickaloon Traditional Village, and/or Chickaloon Village (Nay'dini'aa Na'); and

WHEREAS, Chickaloon Village is part of the Athabaskan Nation and is a distinct, independent political community, and as such is qualified and exercises powers of self-government by reason of its original Tribal sovereignty as passed down from its ancestors since time immemorial; and nothing in this resolution shall be in conflict therewith; and

WHEREAS, Chickaloon Native Village is a Federally-recognized Tribal Government in Alaska (Federal Register, Volume 67, Number 134, Friday, July 12, 2002, Notices, page 46332), with full power and authority to negotiate with the Federal Government; and

WHEREAS, Chickaloon Village Traditional Council did not cede, terminate, extinguish, or relinquish their original, possessory and aboriginal rights; and

WHEREAS, Chickaloon Village Traditional Council is the governing body of Chickaloon Village as recognized by the Chickaloon Tribal citizens; and has a responsibility to provide a government for the good health and welfare of its Tribal citizens, address any needs in its community; and

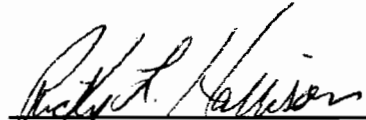
WHEREAS, the Chickaloon Village Traditional Council has identified a need to continue the subsistence area designation for Unit 13;

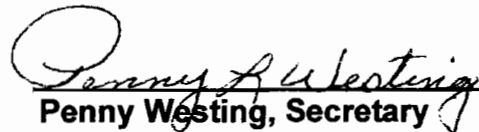
WHEREAS, the Chickaloon Village Traditional Council has identified that Tribal citizens' access to subsistence resources is vital to the general health and welfare of the Tribe and its economic and social development; and

NOW THEREFORE BE IT RESOLVED, that Chickaloon Village Traditional Council hereby requests the Joint Boards of Fisheries and Game to

oppose Proposal 38 – 5 AAC 99.015. Joint Board Non-subsistence Areas for Unit 13.

It is hereby certified that this resolution was duly considered and approved this 20th of February 2008 with a majority vote of 7 affirmative; 0 negative; 0 abstention, and/or 1 absent votes.


Ricky Harrison, Vice-Chairman


Penny Westing, Secretary


Gary Harrison, Traditional Chief

RC 16

2 pp



CITY OF UNALAKLEET

BOX 28
UNALAKLEET, ALASKA
99884
(907) 624-3531
FAX (907) 624-3130

February 26, 2008

Alaska Department of Fish and Game
Commissioner Denby S, Lloyd
P.O. Box 115526
Juneau, Alaska 99811

**RE: PROPOSAL 387 FISHING SEASONS FOR REGISTRATION AREA Q AND
5 AAC 34.915 (b). NORTON SOUND RED KING CRAB HARVEST STRATEGY.**

Dear Commissioner Lloyd:

The City Of Unalakleet deems it necessary to support proposal 387 and share our concern directly with you. This proposal would move the start date of the open access summer king crab fishery from;

CURRENT DATE
July 1

PROPOSED DATE
June 15

The proposal moves the CDQ king crab fishery from June 15 until after the open access if complete. The arguments are self-evident, however, we seek to ensure the local commercial crab fleet maximizes the full economic benefit of the harvestable surplus. The justifications for moving the open access start date of Norton Sound king crab fishery are as follows;

- **Climate change.** Climate change impact on the fisheries is one of the leading causes for changing the start date of the open access king crab fishery. The regulations allowing the harvest of king crab need to be fluid with the natural variations of climate change. Observations from the local fleet and residents harvesting king crab for subsistence and commercial use suggest that crab are migrating offshore earlier in the spring.
- **Quality control/Double shelled crab.** By moving the open access fishery start to June 15 and placing the CDQ fishery at the end of the open access season would remove most of the fleet from possibly fishing double shelled crab. Overall, the change in regulation will maximize the value of Norton Sound king crab.
- **Supply and demand.** By moving the CDQ king crab fishery after the open access season ensures processors can keep up with the demand. The current

transition period from a CDQ king crab fishery to open access mandates a seventy-two hour closure period. The seventy-two closure or three-day closure actually translates into five day's of lost opportunity to market the king crab. End result. Lost wages and benefits to the residents of Alaska. The Fourth of July is a

Critical time period when the demand and price on the market for king crab is at a high point. Immediately after July 4th, the price and demand takes a small dip in the market.

- **Safety.** The earlier season is also favorable for the small fleet as it relates to safety issues. Earlier season translates, in most cases, to better weather, high boat traffic, and longer daylight.
- **Economic benefits.** With the loss of the herring market, opening the king crab on June 15 allows residents to take full advantage of another renewable resource to make a living. This will give the local fleet a greater opportunity to maximize benefits.

Overall, the changes requested by SNSF&GC and the resident commercial fleet believes this measure will help the state of Alaska and the local commercial fleet reaps the economic benefits of our renewable resources. The City Of Unalakleet respectfully requests your support on the proposal.

Sincerely,



Herbert Ivanoff
City Administrator

RC 17

Letter from Southern Norton Sound AC
re Prop 387

2 pp

February 21, 2008

Alaska Department of Fish and Game
Commissioner Denby S. Lloyd
P.O. Box 115526
Juneau, Alaska 99811

**RE: PROPOSAL 387 FISHING SEASONS FOR REGISTRATION AREA Q AND
S AAC 34.91S (b). NORTON SOUND RED KING CRAB HARVEST STRATEGY.**

Dear Commissioner Lloyd:

The Southern Norton Sound Fish and Game Advisory Committee met on February 19, 2008. After careful and deliberate exchanges, the Southern Norton Sound Fish and Game Advisory Committee (SNSF&GC) deem it necessary to support proposal 387 and share our concern directly with you. This proposal would move the start date of the open access summer king crab fishery from;

| | |
|---------------------|----------------------|
| CURRENT DATE | PROPOSED DATE |
| July 1 | June 15 |

The proposal moves the CDQ king crab fishery from June 15 until after the open access if complete. The arguments are self-evident, however, we seek to ensure the local commercial crab fleet maximizes the full economic benefit of the harvestable surplus. The justifications for moving the open access start date of Norton Sound king crab fishery are as follows;

- Climate change. Climate change impact on the fisheries is one of the leading causes for changing the start date of the open access king crab fishery. The regulations allowing the harvest of king crab need to be fluid with the natural variations of climate change. Observations from the local fleet and residents harvesting king crab for subsistence and commercial use suggest that crab are migrating offshore earlier in the spring.
- Quality control/Double shelled crab. By moving the open access fishery start to June 15 and placing the CDQ fishery at the end of the open access season would remove most of the fleet from possibly fishing double shelled crab. Overall, the change in regulation will maximize the value of Norton Sound king crab.
- Supply and demand. By moving the CDQ king crab fishery after the open access season ensures processors can keep up with the demand. The current transition period from a CDQ king crab fishery to open access mandates a seventy-two hour closure period. The seventy-two closure or three-day closure actually translates into five day's of lost opportunity to market the king crab. End result. Lost wages and benefits to the residents of Alaska. The Fourth of July is a

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Commissioner Donny S. Lloyd
February 21, 2008
Page two

Critical time period when the demand and price on the market for king crab is at a high point. Immediately after July 4th, the price and demand takes a small dip in the market.

- **Market:** The earlier season is also favorable for the small fleet as it relates to safety issues. Earlier seasons translate, in most cases, to better weather, high boat traffic, and longer daylight.
- **Economic benefits:** With the loss of the herring market, opening the king crab on June 15 allows residents to take full advantage of another renewable resource to make a living. This will give the local fleet a greater opportunity to maximize benefits.

Overall, the changes requested by SNBFA&GC and the resident commercial fleet believes this measure will help the state of Alaska and the local commercial fleet reap the economic benefits of our renewable resources. We respectfully request your support on the proposal.

If you have questions, please call. Thank you.

Sincerely,

Myron Savotlik
Co-chair
Myron Savotlik

Sincerely,

Milton Chumak
Co-chair

Sincerely,

Clarence Towmark
Clarence Towmark
Member
"Silver Pearl"

Sincerely,

Jeff Erickson
Member

Sincerely,

Dwayne Johnson
Dwayne Johnson
Member

Sincerely,

Art C. Ivansson
Art C. Ivansson
Member

Sincerely,

Paul Johnson
Paul Johnson
Member

Sincerely,

Frank Kawachinski
Frank Kawachinski
Member

- Cc: Honorable Governor Sarah Palin
Mel Morris, Chair, Alaska Board of Fish
Lorena Bullard, President, Kawerak
William Johnson, Mayor, City of Unalakleet
Weaver Ivanoff, General Manager, Native Village of Unalakleet
Martha Arons, Chair, Unalakleet Native Corporation

RC18

UNALASKA/DUTCH HARBOR FISH AND GAME ADVISORY COMMITTEE

February 29, 2008

Mel Morris, Chairman
Alaska Board of Fisheries
Board Support Section
PO Box 25526
Juneau, Alaska 98802-5526

Subject: Reconsideration of comments provided to State of Alaska Board of Fisheries on Crab Proposals #376,#377and #382 from the minutes of the September 19, 2007 Unalaska/Dutch Harbor Advisory Committee meeting, and comments on Supplemental Proposals #402,#403,and #405 from the Advisory Committee meeting on February 20, 2008.

Dear Chairman Morris:

On behalf of the Unalaska/Dutch Harbor AC committee, I am writing to you and the Board of Fisheries on a reconsideration of are positions on three crab proposals #376, #377 and #382 that took place at the February 20, 2008 Unalaska/Dutch Harbor AC meeting as well as comments on Supplemental proposals #402,#403,and#405. The comments on the proposals are listed below.

Proposal Number 376, Lawful gear for Registration area J and 5 AAC35.526(a-c) Tanner Crab pot marking requirements for Registration Area J. Repeal Tanner and snow crab pot limits and buoy tags as follows, proposed by Alaska Crab Coalition.

Motion to reconsider by Sinclair Wilt, second by Don Goodfellow, motion passed 7-0, Motion to get proposal 376 on the table by S Wilt second by D Goodfellow, discussion we continue to see less vessels and pots being used in the rationalized crab fisheries. The 2007 Red King Crab and 2008 Opilio Snow Crab fishery continue to show that trend of about 80 vessels fishing and 180 pots being used per vessel. The majority of the discussion centered on the fact that with continued reduced vessels and less pots being used that the need for pot limits and buoy tags had passed. Motion to support the repeal of pot limits and buoy tags passed 7-0

Proposal Number 377, 5AAC34.825(h) Lawful gear for Registration area T and 5 AAC34.826(a) King Crab pot marking requirements for Registration Area T. and 5AAC34.051 (b) (c) King Crab gear marking requirements. Repeal King crab pot limits and buoy tags as follows, proposed by Alaska Crab Coalition.

Motion to reconsider proposal #377 by Sinclair Wilt, second by Don Goodfellow, motion passed 7-0, Motion to get proposal 377 on the table by S Wilt second by D Goodfellow, discussion, same as proposal 376 above we continue to see less vessels and pots being used in the rationalized crab fisheries. The 2007 Red King Crab and 2008 Opilio Snow Crab fishery continue to show that trend of about 80 vessels fishing and 180 pots being used per vessel. The majority of the discussion centered on the fact that with continued reduced vessels and less pots being used in a rationalized fishery that the need for pot limits and buoy tags had passed. Motion to support the repeal of pot limits and buoy tags in the Bristol Bay Red King crab fishery passes 7-0

Proposal #382 5AAC_39.145 Escape mechanism, for shellfish and bottom-fish pots. Increase biodegradable cotton thread size for golden king crab as follows increase from 30 thread to 120 thread. By Linda Kozak.

Motion to reconsider proposal #382 by Alyssa McDonald, second by Roger Rowland, motion passed 7-0, Motion to get proposal 377 on by A McDonald, second by R Rowland, discussion, new information provided by ADFG on a study just completed on thread strength in Kodiak not much difference between 60 and 30 thread they last just about the same amount of time. Other concern of using larger thread in Brown King Crab gear is mortality and weak crab when gear isn't pulled in a timely fashion. Motion to adopt Proposal #382 fails 7-0

Proposals, #402, #403 proposed by ADFG on Scallops and Rockfish, motion to support by S Wilt second by Zac Nehus discussion we supported the development of a Scallop management plan and the modification of the statewide definitions on Rockfish. The Unalaska/Dutch Harbor AC was supportive and the motion passed 5-0.

Proposal #405 proposed by the Board of Fisheries Seabird avoidance measures in the state groundfish fisheries. Motion by Don Goodfellow, second by Zac Nehus, discussion; support by the committee for the state seabird avoidance measures to be compatible with federal regulations. Motion to adopt passed 5-0

Sincerely



Frank Kelty, Chair
Unalaska/Dutch Harbor AC

CC: Commissioner Denby Lloyd, ADFG
Forrest Bowers, ADF&G Unalaska, AK

RC 19

**PACIFIC NORTHWEST CRAB INDUSTRY ADVISORY
COMMITTEE (PNCIAC)**

P.O. Box 969
Edmonds, WA 98020
360 440 4737
Fax 425 640 7267
steve@wafro.com

February 28, 2008

PNCIAC Meeting Minutes from February 28, 2008.

Committee area and species: Bering Sea and Aleutian Islands, king and tanner crab

Committee present: Steve Minor, Chair, NPCA; Vic Scheibert, Trident Sfds.; Lance Farr, Kevleen K; Phil Hanson, UNISEA; Garry Loncon, Royal Aleutian Sfds. (via teleconference); Rob Rogers, Icicle Sfds.; Kevin Kaldestad, Mariner Boats; Keith Colburn, Wizard; Arni Thomson, Secretary, ACC; Absent: Tom Suryan, fishing crab; Gary Painter, Gary Stewart.

NMFS: Via teleconference, Brian Garber-Yonts, on the issue of EDRs for NPFMC; Heather Lazrus, NMFS/PSMFC, on crew data analysis issues.

Industry present: Dale Schwarzmiller, Peter Pan Sfds.; Paul Duffy and Louis Lefferrier, Pro Surveyor; Edward Poulsen, Sea Boats Coop; Margo Posten, MSDH/CBSFA; Mark Gleason, NPCA; Jim Stone, Ocean Hunter; Ken Tippett, Alaska Boat Co.; Shawn C. Doctermann, Crewmen's Association; Bing Henkel, Erla N; Doug Wells, Baranof.

Minutes:

1. Review and discussion of the NPFMC February motion on Economic Data Reports (EDRs):

Chairman Minor introduced the topic to the committee and Mr. Garber-Yonts. Minor noted that at their February meeting, the North Pacific Fishery Management Council (NPFMC) recommended that "... staff fully complete the metadata table and the analysts complete a public review of the metadata (including meetings with the industry and public) and report back to the Council on the output of the process."

Based on this recommendation, PNCIAC contacted Ron Felthoven and Brian Garber-Yonts of NMFS/AFSC to establish a process for industry review and input into the EDR metadata process. Garber-Yonts attended the PNCIAC meeting by teleconference, and based on this meeting, PNCIAC unanimously passed a resolution establishing a collaborative meeting and evaluation process with AFSC.

PNCIAC also appointed a sub-committee to focus on this issue, which includes Edward Poulsen, Steve Minor, Doug Wells, Brett Reasor (UNISEA) and Kevin Kaldestad. All sub-committee meetings will be open to the public, and we will try to provide reasonable advance notice.

PNCIAC motion/resolution adopted unanimous as follows:

Whereas, at their February meeting, the North Pacific Fishery Management Council (NPFMC) recommended that "... staff fully complete the metadata table and the analysts complete a public review of the metadata (including meetings with the industry and public) and report back to the Council on the output of the process," and

Whereas, the Pacific Northwest Crab Industry Advisory Committee (PNCIAC) is the duly-constituted industry advisory committee to the Council, with representatives from all sectors of the crab industry, and

Whereas, the Economic Data Reporting process is a permanent feature of the crab rationalization program, and the data collected and developed through the EDR process is intended for policy review and policy setting purposes;

Now therefore the PNCIAC adopts and recommends the following:

1. That, consistent with Council direction, a public meeting between PNCIAC and staff be convened upon completion of the draft metadata table, to inform PNCIAC and other industry members about the draft table, underlying assumptions and related audit results;
2. That immediately following that meeting a public review and comment period of no less than 45 days be established to provide feedback to staff;
3. That the staff evaluate the comments and recommendations provided by PNCIAC and the public, and incorporate those comments and recommendations where appropriate as a "second draft" to the metadata table;
4. That upon completion of the second draft, PNCIAC will organize a public meeting for a staff presentation of the revised metadata table;
5. It is anticipated that final comments and recommendations resulting from this process will be provided to the Council by PNCIAC after the presentation of the second draft.

2. Review of Board of Fisheries BSAI crab proposals:

Proposal 368: Support, unanimous, concur with ADFG staff comments, develop regulations for post-delivery transfers of CDQ crab that are consistent with the NPFMC approved federal regulation allowing for post-delivery transfers of IFQ crab.

Proposal 369: Support, unanimous, concur with ADFG staff comments that this proposal is needed to give ADF&G the latitude needed to assure adequate observer data is collected to help characterize the rationalized Bering Sea *C. bairdi* Tanner crab fishery.

Proposal 370: Support, unanimous, concur with ADFG staff comments, relieves vessel operators or agents from having to purchase a CFEC interim use card in order to register for rationalized king crab fisheries.

Proposal 371: Support, unanimous, concur with ADFG staff comments, same rationale as #370, applies to rationalized tanner crab fisheries.

In regards to the following Bering Sea king and tanner crab gear related proposals #372-#379, PNCIAC wishes to preface its comments by stating that it views all these proposals as being interrelated and the committee recognizes ADFG and DPS conservation, management and enforcement concerns. In addition, the committee wishes to express its intent to work within the Board of Fisheries committee process to hopefully work out compromises that will balance conservation, management and enforcement concerns with industry concerns to improve the economic efficiency of harvesting operations, namely to reduce expenditures on fuel.

Proposal 372: Neutral, unanimous, work with BOF and ADFG in committee.

Proposal 373: Neutral, unanimous, work with BOF and ADFG in committee.

Additonal comment: During the course of discussions, the committee heard comments from the public concerning the current prohibition on directed fishing for *C. Bairdi* East of 163 degrees West and that this could result in foregone harvests in the future as the *bairdi* resource increases in abundance. (Current regulation only allows for incidental catch of *bairdi* in this area, while directed fishing for red king crab.) PNCIAC hopes for discussion with BOF and ADFG in committee.

Proposal 374: Support, unanimous, work with BOF and ADFG, DPS in committee to develop affidavit process that would satisfy ADFG concerns about gear sharing authorization, after a vessel is no longer validly registered in a fishery.

Proposal 375: Neutral, unanimous, work with BOF and ADFG, DPS in committee to resolve related concerns about the 14 day restriction on gear sharing.

Proposals 376 and 377: Support, unanimous, work with BOF and ADFG in regards to concerns about their proposal 373 regarding concurrent seasons for Western Bering Sea tanner crab harvest with snow and king crab harvests.

Proposals 378 and 379: Support, one objection, will provide economic benefits to harvesters in terms of cost savings on bait.

Proposal 380: Support, unanimous, need to develop future management plan for Pribilof red king crab in the event of a harvestable surplus being available. Work with BOF and ADFG in committee to develop additional protectionist measures available in the rationalized fisheries program that will address conservation concerns for depressed blue king crab stocks.

Proposal 381: Support, unanimous, work with BOF and ADFG in committee to reach a compromise on revising the TAC that would allow for access to a harvestable surplus, while not impeding the rebuilding of blue king crab.

Proposal 382: Support, unanimous to increase the size of cotton thread, work with BOF and ADFG in committee to reach a compromise on the size of cotton thread. PNCIAC recognizes conditions of heavy tides and stresses on the gear have a bigger impact in the Aleutian Islands, than the Bering Sea.

Proposal 383: Support, unanimous, work with BOF and ADFG in committee to address industry concerns about the need to develop and implement a harvest strategy that allows the flexibility for an increase in the AIGKC TAC. PNCIAC members reviewed current scientific papers and heard public testimony about CPUE, stock abundance and improved fishing practices in the rationalized fishery indicating that a revision of the harvest strategy and TAC is warranted.

Proposal 384: Support, unanimous, work with BOF and ADFG on a compromise extension of the 14 day restriction on gear storage in the AIGKC fishery, recognizing that different circumstances exist in this fishery than the Bering Sea rationalized crab fisheries.

Respectfully submitted,

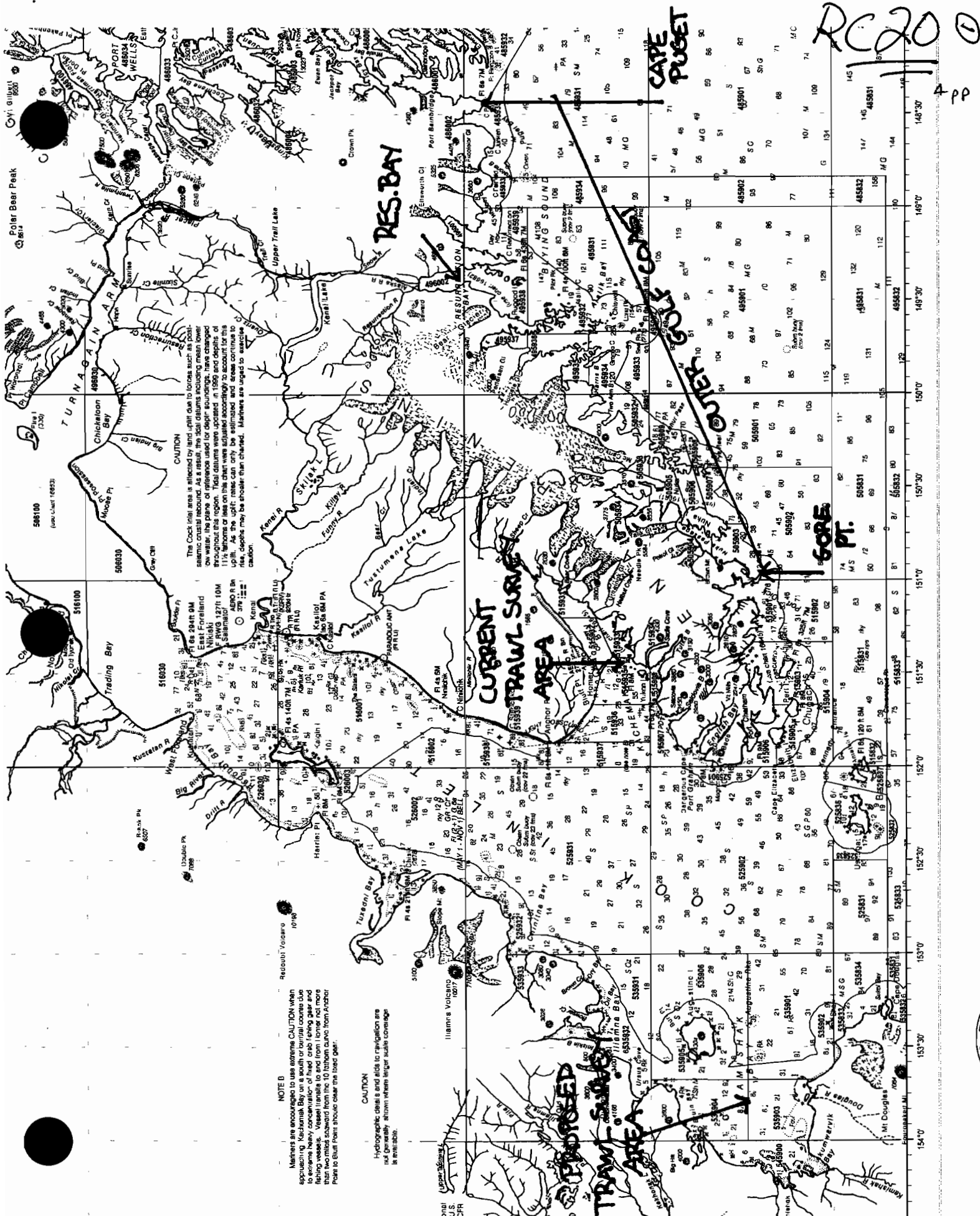
Steve Minor, Chair
Pacific Northwest Crab Industry Advisory Committee

19

Pacific Northwest Crab Industry Advisory Committee

Leif Erikson Hall, Ballard, WA
Thursday, February 28th, 2008
9:00 am - 1:00 pm

| NAME | VESSEL/COMPANY |
|------------------------|-----------------------|
| Steve Minor | NPCA |
| MARGO DAVEN | MSDH/CBSFA |
| MARK H. GLEASON | NPCA |
| Edvard Paulsen | Arctic Sea |
| Paul Tuffly | Pro Surveyor |
| San Lafemier | Pro Surveyor |
| Dale Schwabzmiller | Peter Pan Stds. |
| PHIL HANSON | UNI SEA |
| Rob Rogers | Icele |
| Heather Lazrus | NMFS/PSMFC |
| Kevin Kaldestad | MCHC |
| Ken Tippett | AK. BOAT CO. |
| Jim Stone | Ocean Hunter |
| Lance Farr | Kevin 16 |
| KEITH COBURN | F/V WIZARD ACP co/OP |
| Arni Thomson | A.C.C. |
| SHAWN C. DOCHTERMANN | CREWMAN'S ASSOCIATION |
| Bing Heaker | Erla-M |
| DEUG WALS | BARNOF |



RC 20 ①

APP

NOTE B

Mariners are encouraged to use extreme CAUTION when approaching Ketchikan Bay on north coast of Alaska and Barrow. Vessel transits to and from Barrow not more than two miles seaward from the 10 fathom curve from Anchor Point to Bluff Point should clear the lead gear.

CAUTION

Hydrographic details and aids to navigation are not generally shown where larger scale coverage is available.

CAUTION
 The Cock inlet area is affected by wind drift due to forces such as the seismic coastal rebound. As a result, the tidal datums including mean lower low water, the plane of reference used for depth soundings, have changed throughout this region. Tidal datums were updated in 1999 and depths of 11% fathoms or less on this chart were adjusted accordingly to account for this uplift. As the uplift rates can only be estimated and are not continuous, the chart depths may be smaller than charted. Mariners are urged to exercise caution.

CURRENT TRAWL SURVEY AREA

PROPOSED TRAWL SURVEY AREA

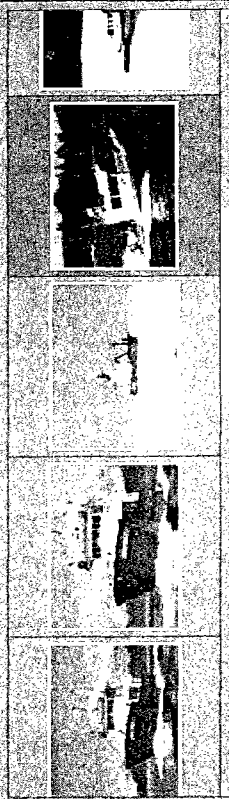
GOLF COURSE

PT. GORE

from Seward AC

①

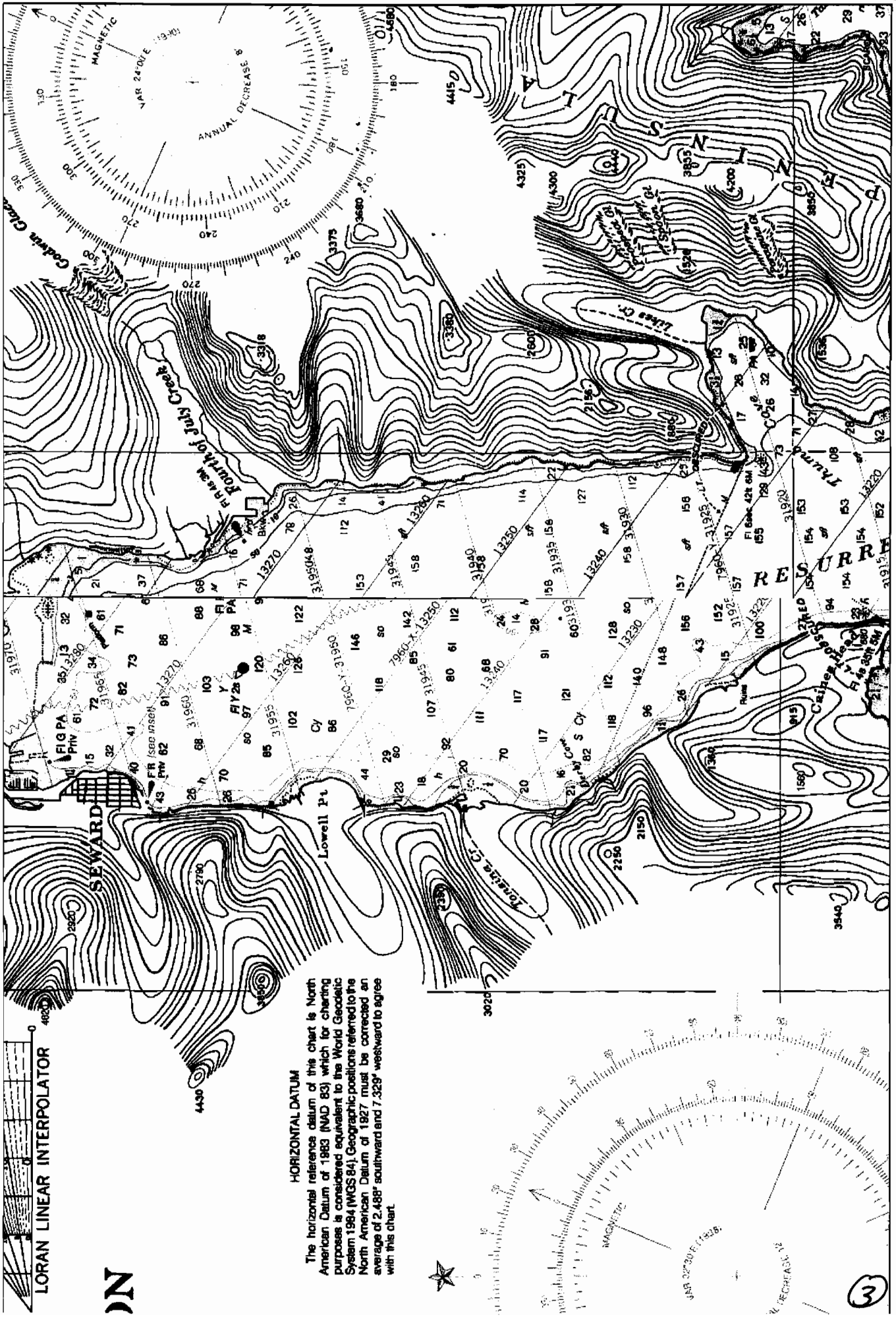
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1 : 32452 - 16013_1 : CAPE STOLIAS TO SHUMAGIN ISLANDS

- DEPTHS READ IN FATHOMS -



HORIZONTAL DATUM

The horizontal reference datum of this chart is North American Datum of 1983 (NAD 83) which for charting purposes is considered equivalent to the World Geodetic System 1984 (WGS 84). Geographic positions referred to the North American Datum of 1927 must be corrected an average of 2.488' southward and 7.329' westward to agree with this chart.

SUGGESTED TANNER CRAB REPORTING FORM

| VESSEL NAME | DOC. OR ADF&G # | SPORTFISHING LICENSE NAME & # | | | |
|------------------|----------------------|-------------------------------|--------------------|---------------------------|--|
| DATE/TIME SET | BOUY #1 | LAT /LONG | DEPTH SET | | |
| DATE/TIME HAULED | # OF ADULT MALE CRAB | # OF ADULT FEMALE CRAB | # OF JUVENILE CRAB | # OF LEGAL MALE CRAB KEPT | |
| DATE/TIME SET | BOUY #2 | LAT /LONG | DEPTH SET | | |
| DATE/TIME HAULED | # OF ADULT MALE CRAB | # OF ADULT FEMALE CRAB | # OF JUVENILE CRAB | # OF LEGAL MALE CRAB KEPT | |
| DATE/TIME SET | BOUY #3 | LAT /LONG | DEPTH SET | | |
| DATE/TIME HAULED | # OF ADULT MALE CRAB | # OF ADULT FEMALE CRAB | # OF JUVENILE CRAB | # OF LEGAL MALE CRAB KEPT | |
| DATE/TIME SET | BOUY #4 | LAT /LONG | DEPTH SET | | |
| DATE/TIME HAULED | # OF ADULT MALE CRAB | # OF ADULT FEMALE CRAB | # OF JUVENILE CRAB | # OF LEGAL MALE CRAB KEPT | |
| DATE/TIME SET | BOUY #5 | LAT /LONG | DEPTH SET | | |
| DATE/TIME HAULED | # OF ADULT MALE CRAB | # OF ADULT FEMALE CRAB | # OF JUVENILE CRAB | # OF LEGAL MALE CRAB KEPT | |

REPORTS MUST BE SUBMITTED WEEKLY

RECEIVED

FEB 29 2008

BOARDS ANCHORAGE

HOMER FISH & GAME ADVISORY COMMITTEE

February 26, 2008
Meeting began 6:10

Members Present: Marv Peters, Trina B. Fellows, Michael Craig, Lee Martin, Cliff Calkins, George Matz, Thomas Hagberg, Skip Avril, Gus Van Dyke, James Meeses, Joey Allred jr., Matt North, Pete Wedin.

Members Absent Excused: Richard Baltzer, Dave Lyon, Tom Young, Frank Mullen.

Homer F&G Biologist present: Thomas McDonough, Charley Tollbridge, and Nicky Szarzi.

RC 21

BOG Proposal comments. *Interior Region*

Proposal 49, 50, 59 0 Favor 13 Oppose 0 Abstain

Discussion: These proposals would take management of resource away from biologist. Privatize a resource. Take an allocated resource and allocating it further.

Proposal 62 0 Favor 13 Oppose 0 Abstain

Discussion: A March hunt? Cows are undernourished and carrying a calf. Privatize a resource. Not needed.

Proposal 127 13 Favor 0 Oppose 0 Abstain

Discussion: This cow hunt proposal is needed to keep authorization on the books.

Proposal 128 12 Favor 1 Oppose 0 Abstain

Discussion: Thomas McDonough discussed this proposal. Most members of the advisory committee agreed this hunt should continue -- One opposed does not think a cow hunt is necessary or good management.

Proposal 102, 106, 113 1 Favor 11 Oppose 1 Abstain

Discussion: Manipulating species long term is damaging. Don't know enough about the predator control program to comment.

BOF *King & Tanner Statewide*

Proposal 359

Charley Tollbridge and Nicky Szarzi gave their ideas on a Tanner crab fishery for Subsistence, Sports, Personal Use in Kachemak Bay, Cook Inlet.

Discussion: What parts are you changing? Why can't the season be opened later in the year? July is to early. Amend to September 15. Crab is empty in July. Waste of resource.

*Att
500* →

FAVED
2-29-08
to Frbx

*Att
Shannon* →

One committee member is worried a below freezing winter would kill crab if pots are pulled.

Amend proposal to read September 15 to March 31. 11 Favor 0 Oppose 2 Abstain

Last trawl survey would be completed-new numbers would be available. 12 Favor 1 Oppose 0 Abstain as amended.

The use of trawl gear to collect data was also discussed. It is harmful to the bottom critters. Does not encompass a large enough area. Does not give a valid count.

Initial Review Draft

ENVIRONMENTAL ASSESSMENT

For proposed

Amendment 24

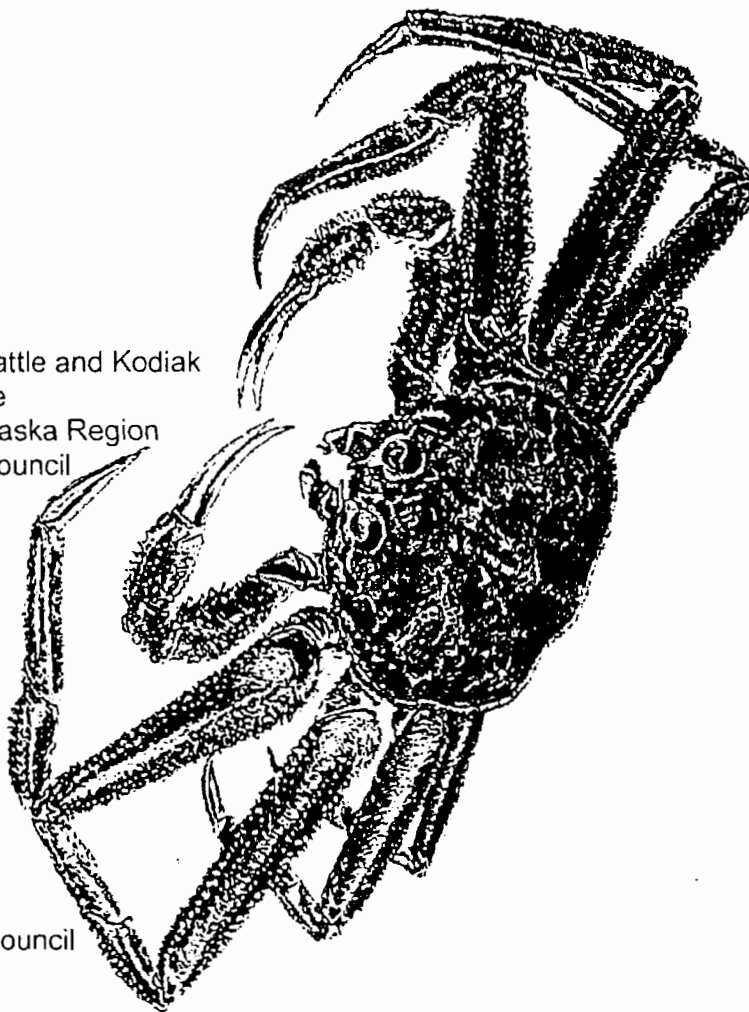
To the Fishery Management Plan for

**Bering Sea and Aleutian Islands
King and Tanner Crabs**

to

Revise Overfishing Definitions

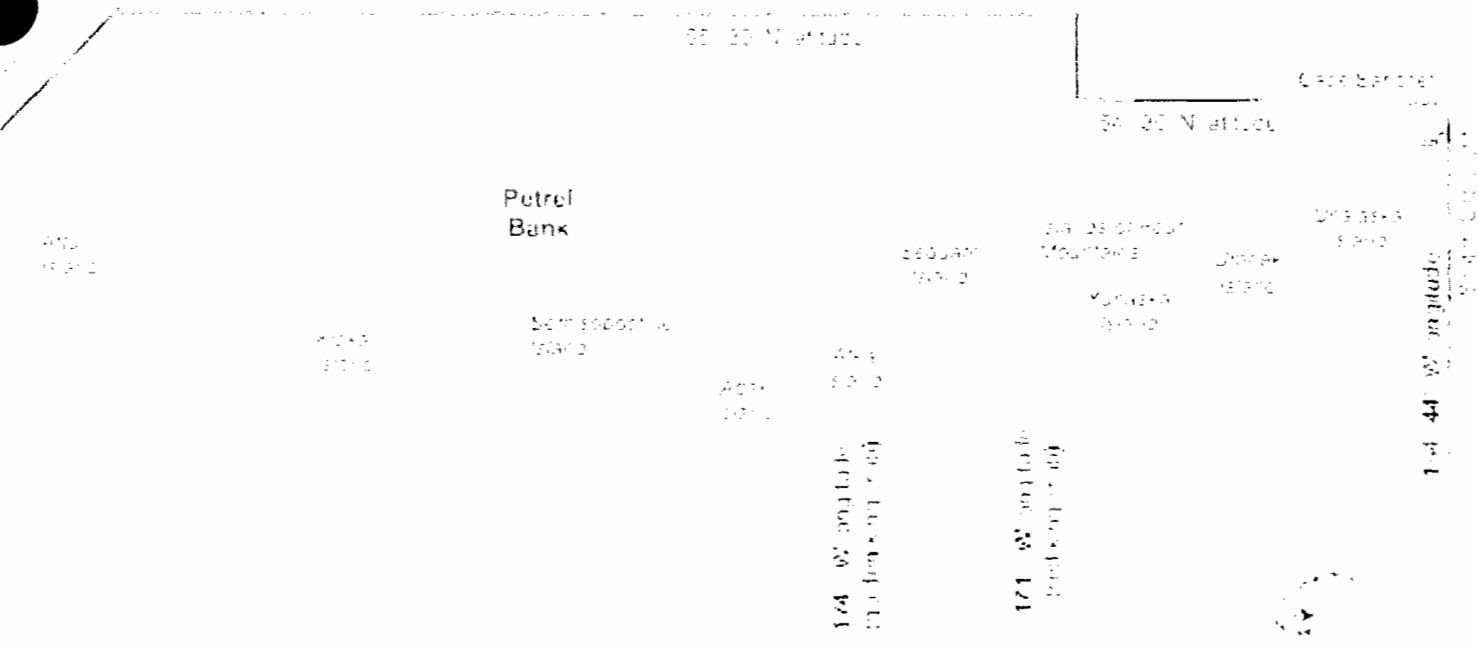
Prepared by staff of the:
Alaska Fisheries Science Center: Seattle and Kodiak
Alaska Department of Fish and Game
National Marine Fisheries Service, Alaska Region
North Pacific Fishery Management Council



For Further Information Contact:
Diana Stram
North Pacific Fishery Management Council
605 West 4th Avenue, #306
Anchorage, Alaska 99501-2252
(907) 271-2809

Abstract: The Magnuson-Stevens Act Fishery Conservation and Management Act requires Fishery Management Plans to contain objective and measurable criteria for determining whether a stock is overfished or whether overfishing is occurring. The proposed action would establish overfishing definitions that contain objective and measurable criteria for each managed stock. This Environmental Assessment provides decision makers and the public with an evaluation of the environmental, social, and economic effects of alternative overfishing definitions. This document addresses the requirements of the National Environmental Policy Act.

Aleutian Islands Area O



| Seasons | Species | Harvest between 171 & 174 W long. | Harvest east of 171 W long. | Total Harvest east of 174 W long. | Average Weight east of 174 W long. | Average # legal crabs per pot lift |
|--|---------|-----------------------------------|-----------------------------|-----------------------------------|------------------------------------|------------------------------------|
| 1990-91 | 923 | 2,172,189 | 1,699,675 | 3,871,864 | n/a | n/a |
| 1991-92 | 923 | 2,977,989 | 1,490,830 | 4,468,819 | n/a | n/a |
| 1992-93 | 923 | 3,158,764 | 1,404,452 | 4,563,216 | n/a | n/a |
| 1993-94 | 923 | 2,307,635 | 915,460 | 3,223,095 | n/a | n/a |
| 1994-95 | 923 | 2,803,949 | 1,750,267 | 4,554,216 | n/a | n/a |
| 1995-96 | 923 | 2,610,576 | 1,996,980 | 4,607,556 | n/a | n/a |
| Line moved from 171 W longitude to 174 W longitude GHL 3.2 million pounds | | | | | | |
| 1996-97 | 923 | n/a | n/a | 3,290,862 | 3.931 | 6 |
| 1997-98 | 923 | n/a | n/a | 3,501,055 | 4.642 | 7 |
| GHL lowered to 3.0 million pounds | | | | | | |
| 1998-99 | 923 | n/a | n/a | 3,247,863 | n/a | 9 |
| 1999-00 | 923 | n/a | n/a | 3,069,886 | 4.083 | 9 |
| 2000-01 | 923 | n/a | n/a | 3,134,079 | 4.379 | 10 |
| 2001-02 | 923 | n/a | n/a | 3,178,652 | 4.403 | 12 |
| 2002-03 | 923 | n/a | n/a | 2,821,851 | 4.419 | 12 |
| 2003-04 | 923 | n/a | n/a | 2,977,055 | 4.330 | 11 |
| 2004-05 | 923 | n/a | n/a | 2,886,817 | 4.533 | 18 |
| Implementation of crab rationalization plan TAC 3.0 million pounds | | | | | | |
| 2005-06 | 923 | n/a | n/a | 2,867,781 | 4.593 | 25 |
| 2006-07 | 923 | n/a | n/a | 2,992,010 | 4.652 | 24 |

*Map and statistics taken from ADFG Annual management report for commercial shellfish fisheries of the Aleutian Island, 2006/07

Hello my name is Chad Hoefer. I have been harvesting Golden king crab for 22 years. I have been a captain of vessels that operate longline pot gear in the Aleutian Islands for 18 of those 22 years. Thank you for the opportunity to share my insight into the reasons I believe we should consider increasing the harvest level of the Golden king crab stock in the eastern subdistrict of the Aleutian Islands Area O.

In 1996 I drafted a proposal with the assistance of the Aleutian Islands area marine biologist that encouraged the BOF to restructure management of king crab in the Aleutian Islands. Formerly, the Aleutian Islands king crab populations had been managed using the Dutch Harbor and Adak Registration Areas that were separated by the 171 degrees W. long. line. These two areas were established to manage the red king crab fisheries of the 70's. These management areas did not reflect current golden king crab distribution and patterns in fishing effort. We recognized that the 171 degree W. long. line divided what was the most productive fishing grounds for golden king right in half. The BOF elected to replace the Adak and the Dutch Harbor fishing areas with the newly created Aleutian Islands Registration Area O. They directed ADF&G to manage golden king crab the in areas east and west of the 174 West longitude line. An unexpected result of this proposal was that the Aleutian Islands area marine biologist suggested a GHL that was 1.0 million pounds less than the average annual harvest had been in the area east of the line at 174 degrees W. long. in the period preceding 1996. when I questioned the Aleutian Islands area marine biologist about why he felt that it was necessary to set the GHL 1.0 million pounds lower than what we had been harvesting in an average season. He explained that his concern was that the crab in the area between the 171 degree W. long. line and the 174 degree W. long. line had smaller weight averages than those weight averages of the crab that were residing on the east side of the 171 degree W. long. line. This area I am speaking to you about now is shown on the area map on the projector screen.

Please look at the column with the heading (Total Harvest east of 174 W. long.)

- the average annual harvest of golden king crab preceeding the 96'-97' season was 4,214,794 lbs
- the average annual harvest of golden king crab during the 96'-97' and 97'-98' was 3,395,959 lbs
- this was almost 200,000 pounds over the GHL for the area east of 174 degrees W. long which left ADF&G feeling that the best way to ensure that we didn't continue to exceed the GHL of 3.2 million pounds was to lower it to 3.0 million pounds

Proposal #383

Chad Hoefer

RC 2:

-it is my belief that if we had not exceeded the GHL by 300,000 pounds the 97'-98' season that we would not have had to lower the GHL to 3.0 million pounds the following season

- from the 98'-99' season through the 06'-07' season the average annual harvest has been 3,019,555 lbs

- the 05'-06' season was the first season of the crab rationalization plan that year there was a TAC of 3.0 million lbs if our goal was to ensure that we didn't exceed 3.2 million pounds I don't understand what benefit there is from setting the TAC at 3.0 million lbs because in an IFQ fishery there isn't any risk of exceeding the TAC

-included with your copy of the area map I have included a page I photo copied from a fishery information packet for the Aleutian Islands Golden King Crab Fishery printed June of 2003 which I believe states the particulars of why the GHL was lowered after the 97-98' season

Please look at the column with the heading (Average Weight east of 174 W. long.)

-the information for the seasons preceeding the 96'-97' season were not available which I was surprised of considering that the weight averages were the reason given for why the Aleutian Islands area marine biologist decided that it was necessary to lower the GHL 1.0 million pounds from what the fleets average annual harvest was before 96'-97' season

-I believe 0.72 pound increase in the weight averages of the stock in the area east of the 174 degree W. long. Line after the 96'-97' season would indicate that the health of the stock is improving

Please look at the column with the heading (Average # legal crabs per pot lift)

-the average # of crab per pot has risen from 6 crab per pot in during the 96'-97' season to 24 crab per pot in 06'07 season

-we are catching 4 times more crab per pot today than we were in the 96'-97' season which I believe is indicative of improvement in the health of the stock

Three minutes is a brief amount of time to cover a complex issue such as this. I will be here at the meetings for the duration of the meetings and would encourage any of the BOF members to ask me for any questions you might have. I intend on participating in this Golden king crab fishery for many years to come. I will continue to participate in any process that will encourage the productive stewardship of this important resource.

Proposal # 383

Chad Hoefler

RC 23

Ridge Point to 54° 12' 40" N lat., 165° 52' W long.; and in Kalekta Bay, inside of a line from the tip of Erskine Point to the tip of Cape Kalekta.

Legal Size Limit

The legal size of golden king crabs that may be harvested in Registration Area O is six inches or greater in shell width as outlined in 5 AAC 34.620 SIZE LIMITS FOR REGISTRATION AREA O. Only male crabs can be legally harvested. All other animals taken incidentally must be immediately returned, unharmed, to the sea. Incidental harvest of scarlet king crab *Lithodes couesi* may be retained under the conditions outlined in 5 AAC 34.082 PERMITS FOR LITHODES COUESI KING CRAB.

Onboard Observer Program

Observers are required on all vessels participating in the Aleutian Islands golden king crab fishery. All observer costs are the responsibility of the vessel. For additional information on the observer program, contact Mary Schwenzfeier (Appendix A).

GUIDELINE HARVEST LEVEL AND OUTLOOK FOR THE 2003 FISHERY

The Aleutian Islands golden king crab fishery is managed using two sources of inseason fishery data. Processors report landed catch to ADF&G weekly or more frequently as requested. Observers stationed on each vessel participating in the fishery report average weight and catch rate information that is used in conjunction with landed catch to develop inseason projections of fishery length.

During the summer of 1997, the department surveyed a small portion of the golden king crab habitat in the Aleutian Islands. Prior to that, the department performed the only survey of this area in 1991 (Blau and Pengilly 1994). Only a small portion of the area in which golden king crabs are commercially important is currently surveyed. Mark-recapture data from the 1997 survey suggested that the commercial fishery was annually removing a minimum of 20% of the legal male crabs present in the area surveyed. The Fishery Management Plan for king and Tanner crabs in the Bering Sea and Aleutian Islands specifies that the golden king crab stock in the Aleutian Islands is considered overfished when F exceeds 0.2 (NPFMC 1998). A fishing rate of $F=0.2$ corresponds to a mature male removal rate of approximately 18%. During the 1997/98 season, the GHL of 3.2 million pounds in the area east of 174° W longitude was exceeded by approximately 300,000 pounds, so to maintain a long-term average harvest at 3.2 million pounds, the 1998/99 GHL in this area was reduced to 3.0 million pounds.

The stations surveyed in 1997 were again surveyed in 2000. Tag recovery rates changed only slightly even though approximately one-third fewer crabs were tagged in 2000 than in 1997. Harvest rates as indicated by tag returns in the 2000/2001 season were similar to those in



R-24

Pribilof King Crab Harvesters

(253) 582-2580

Fax 589-0508

jstonecrab@aol.com



Mr. Mel Morris, Chairman
State of Alaska, Board of Fisheries
ADFG/Board of Fisheries Support
Juneau, Alaska
99811-5526
Via Fax 907-465-6094



March 2, 2008

**RE: Proposal 380- Develop Pribilof Red King Crab (PIK) management plan.
Supporting Groups:**

IFQ Cooperatives in Support of Proposal 380:

AC Crab Harvesting Cooperative- Jay Anderson
Advanced Harvesters Cooperative- Mike Woodley
Alaska Crab Producers Cooperative- John Jorgensen
Alaska Fishermen's Crab Cooperative- Richard Shelford
Alaska King Crab Harvesters Cooperative- Leonard Herzog
Aleutian Gold Crab Cooperative- Sandra Toomey
Crab Producers and Harvesters, LLC- Rob Rogers
Fishing Associates Cooperative- Gretar Gudmundsson
KBO Crab Cooperative- Louie Lowenburg
Mariner Crab Harvesting Cooperative- Kevin Kaldestad
Professional Crab Harvesters Coop- Jim Stone
Sea Boat Cooperative- Edward Poulsen
The Bering Sea Crab Cooperative- Kale Garcia
Trident Affiliated Crab Harvesting Corp.- Christian Asay

This represents over 93% of the PIK quota share holders.

Other Groups in support of Proposal 380

Alaska Crab Coalition (ACC)
Community of St. Paul
The Central Bering Sea Fishermen's Association (CBSFA)- 10% CDQ PIK holder
Pacific Northwest Crab Industry Advisory Committee (PNCIAC)
United Catcher Boats (UCB)

RC25

To: Board of Fisheries
From: Lower Bristol Bay AC
Date: 3/03/08
Subject: Proposal 404

The Lower Bristol Bay met by teleconference on Tuesday, February 12, 2008, and acted on one Board of Fisheries proposal. The quorum of the committee met and acted on Proposal 404, regarding a Ugashik District boundary, which was submitted by the Department of Fish and Game, Commercial Fisheries, to put proper description for the Boundary proposal that was previously acted on the Board of Fisheries. Please submit this as a formal action of the committee as requested by Dan Kingsley, Acting Chair, Lower Bristol Bay AC.

Experience Alaska Tours



Contents

Letter of Introduction

Facts and Figures

Financial Impact

Benefits to the State of Alaska

Company Contracts and Vendors

Tour Narrative

Photos

Company Brochure

To: Alaska Board of Fisheries

February 2008

From: Experience Alaska Tours
PO Box 23343
Ketchikan, Alaska 99901
(907)225-9070 office
(907)617-7543 cell

To the Board of Fisheries Members,

On behalf of all the staff at Experience Alaska Tours I would like to thank you for taking the time to consider our permit issue. We are confident that the Board of Fish and Game will find a successful resolution to this issue which will not only benefit our company, but all eco-tourism companies seeking to conduct business in Alaska.

We have enjoyed a very successful relationship with Alaska Fish and Game since our inception in 2005 and we are eager to see that relationship continue. As our company has grown and diversified we have always looked to the future of eco-tourism and all the possibilities that it can bring to the state. We look to you now to assist us in making another positive step forward in this process.

Enclosed within this packet you will find facts and information regarding our company and what we have brought to Ketchikan and the state of Alaska. It is our utmost wish that we can continue to bring revenue into the state, employ Alaskans, and share the beauty and bounty of our Southeast with thousands of visitors. By granting us a permit to continue in this venture, you will be sharing in that success. Once again, we appreciate your time and consideration in this important matter.

Sincerely,



Shauna Lee
Shore Excursion and Marketing Manager
Experience Alaska Tours
Ketchikan, Alaska



Experience Alaska Tours



Wilderness Exploration & Crab Feast

Facts & Figures

- *Experience Alaska Tours* began operations in 2005 serving Alaskan visitors and nature enthusiasts.
- Prior to this, *George Inlet Lodge* hosted up to 20 guests per day during the season, all of whom fished and crabbed, taking the maximum allowable catch per person.
- We now host 10,000 guests every summer, educate them on geography, flora, fauna and sea-life of Southeast, Alaska, taking no catch whatsoever.
- We operate three subsistence size pots in Coon Cove and two control pots. We handle 1000 male crabs over 150 days without any take or recorded mortality.
- Crabs are pulled up in these pots, examined, data is recorded for government use, and the crabs are then returned to the water. This process takes approximately 5 minutes.
- ***We purchase #35,000 pounds of commercially caught Alaskan Dungeness crab from Icicle Seafood's annually.***
- We operate in a cove that is not open to commercial fishing and is 19 miles from Ketchikan by water.
- We have a 90 minute marine component and a 90 minute meal.
- We have a staff of 25 with six year round positions and a payroll in excess of \$350,000.
- We have vessels and property worth in excess of \$650,000 – providing tax revenue to the community.
- We have contracts with eight major cruise lines, bringing revenue into the state of Alaska.
- We have contracts with eleven major advertisers in print, visual, video, and web based campaigns.
- Our operating budget directly benefits the community of Ketchikan as well as Southeast, Alaska as a whole through our purchases of goods and services.

Experience Alaska Tours



Wilderness Exploration and Crab Feast

Financial Impact

- Within the 15 acres which is Coon Cove, 5 non-kill pots are set. This operation earns 1.5 million dollars annually which is filtered back into Ketchikan and Alaska.
- 25 seasonal jobs and 6 full time positions create a payroll in excess of \$350,000 annually.
- Local property tax on \$650,000 worth of real estate and vessels supports the city and borough of Ketchikan.
- Local sales tax supports the city and borough of Ketchikan.
- 35,000 pounds of Dungeness crab is purchased annually at market price supporting Alaskan fisherman and the crabbing industry as a whole.
- The purchase of goods and services for daily operations directly impacts the economy of Ketchikan and Alaska.
- Contracts with 8 international cruise lines bring revenue into the state of Alaska.
- Worldwide advertising in print and media increases potential tourism revenue for Ketchikan and Alaska as a whole.
- Consumption of Dungeness crab by guests encourages further consumer spending on Alaskan Seafood products post vacation
- Over one million print ads worldwide encourages consumer spending of Alaskan Seafood.
- Experience Alaska Tours, owned and operated by 3rd generation Alaskans, contributing to the further success of Alaskan businesses.

Experience Alaska Tours



Wilderness Exploration and Crab Feast

Benefits to the State Of Alaska

- Creates local jobs – 25 seasonal and 6 year round
- Supports local businesses
- Generates local sales tax
- Supports Alaskan fisherman
- Generates local property tax
- Utilizes Alaskan seafood products, purchased in Alaska from local wholesalers at market price
- Measurable educational benefit to visitors on Alaskan fisheries
- Good use of local fisheries resources
- No net increase to fisheries use
- No harvest of fishery
- No decrease in fishery density
- Opportunity for research
- Outlet for information on Alaskan fisheries
- Creates a new use for fishery resources similar to catch and release trout streams
- Owned and operated locally by third generation Alaskan's
- Enhances Ketchikan as an eco tourism location
- Encourages consumer spending on Alaskan seafood products
- Increases awareness of the role fishermen play in bringing seafood to the public
- Increases awareness of environmental issues concerning the state

Experience Alaska Tours Contracts and Vendors

| Cruise Lines | Date of most recent signed contract | Sub Contract For Air Transport | Sub Contract for Ground Transportation |
|-----------------------------|--|---------------------------------------|---|
| Celebrity Cruises | 9/18/07 | Taquan Air | Alaska Coach Tours |
| Royal Caribbean Cruise Line | 9/18/07 | Taquan Air | Alaska Coach Tours |
| Princess Cruises | 4/28/07 | Taquan Air | Discover Alaska Tours |
| Holland America Cruises | 11/6/07 | Taquan Air | Discover Alaska Tours |
| Carnival Cruise Line | 1/23/08 | Taquan Air | Discover Alaska Tours |
| Norwegian Cruises | 1/28/08 | Taquan Air | Discover Alaska Tours |
| Regent Seven Sea Cruises | 12/17/07 | Taquan Air | Discover Alaska Tours |
| Silver Sea Cruises | <i>Pending</i> | Taquan Air | Discover Alaska Tours |

| Advertising | Currently Contracted For |
|-------------------------------|---------------------------------|
| PPI Group | Print and Video |
| Onboard Media | Print and Video |
| Dynamic Message Media | Imaging Services |
| Destination Alaska | Print |
| Bells Travel Guide | Print |
| Ketchikan Visitors Bureau | Print and Web |
| Alaska Travel Industry Assoc. | Print and Web |
| Ketchikan Daily News | Print |
| Alaskamade.com | Web Site |
| Rainforest Web Design | Web Site |
| Advanced Printing | Ad Design |

| Miscellaneous Vendors | Service Provided |
|------------------------------|---------------------------------|
| Discover Alaska Tours | Bus Transportation |
| Alaska Coach Tours | Bus Transportation |
| Food Service of America | Food Supplies |
| Alaska Liquor Distributors | Liquor Supplies |
| Icicle Seafoods | Dungeness Crab |
| Davies-Berry Insurance | Insurance Services |
| Tongass Business Center | Office Supplies |
| Alaska Outboard | Motor Service on boats |
| Madison Lumber & Hardware | Building and Marine Maintenance |
| Tongass Trading | Marine and Lodge Supplies |
| Andres Oil | Marine Fuel |
| Skinner Sales and Service | Vehicle Maintenance |
| Tyler Rental | Tool supplies |
| Alaska Marine Lines | Delivery of Supplies |
| Schmolck Mechanical | Maintenance |
| AT&T | Phone Service |
| Frontier Shipping | Mail Services |
| Ketchikan Soda Works | Beverage Supply |

Experience Alaska Tours

Wilderness Exploration and Crab Feast

Tour Narrative

This truly Alaskan experience features the pulling of Dungeness crab pots by boat from a wilderness estuary and then is topped off with a crab feast in a historic cannery building now converted to an elegant Oceanside lodge. Leave downtown Ketchikan and embark on a fully narrated drive that follows the scenic coastline past a cannery, an old sawmill, totem poles, and waterfalls. Arrive at George Inlet Lodge where you will be outfitted with a rain poncho (when needed) and escorted onto our 36 foot fully enclosed catamaran.

On your journey up the fjord, you will pass the old George Inlet Cannery and learn about the fish traps and "pirates" that plagued the area years ago. View a short-seam silver mine and the Mahoney Glacial Cirque, with snow capped mountains and breathtaking 2,000 foot waterfalls. Below the cirque, the Mahoney River Valley is home to bears, eagles, and salmon that return to spawn annually. Killer whales, sea lions, and seals frequently visit the area in search of the abundant food supply.

Cross the fjord to a remote crab estuary and witness the awe-inspiring grandeur of the Tongass National Forest, the largest temperate rain forest in the world. This isolated cove is home to hundreds of Dungeness crab! Guests may volunteer to assist in pulling up crab pots from the ocean floor and gain from a hands-on opportunity to see the crab up close and learn about their anatomy and life cycle before they are set free. Important measurements and statistics are recorded for Fish and Game to support the ongoing growth of this amazing natural resource. Once the pots are reset it's back to the warm and inviting George Inlet Lodge, where a delicious Dungeness crab meal awaits you.

Relax amidst the rustic charm and the Alaskan hospitality of the George Inlet Lodge while you learn its historic origins as a working cannery. After a quick lesson in the art of crab cracking, you will enjoy the succulent delicacy of this Alaskan favorite. Your banquet will include a beverage, oriental salad, steamed baby red potatoes, one full Dungeness crab, and a slice of cheesecake smothered in Alaskan blueberries! This will be an Alaskan memory to last a lifetime!

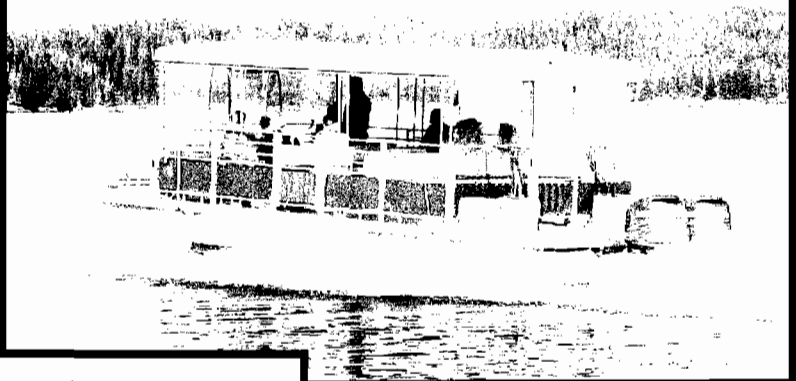
Wilderness Exploration & Crab Feast

Ketchikan, Alaska



Servers bring platefuls of Dungeness Crab to eager guests

The "Inlet Explorer" offers guests the opportunity to take photos rain or shine as they learn about Alaskan geography and sea-life



Guests enjoy learning about Dungeness Crab, their life-cycle and habits in beautiful Coon Cove, Alaska

George Inlet Lodge

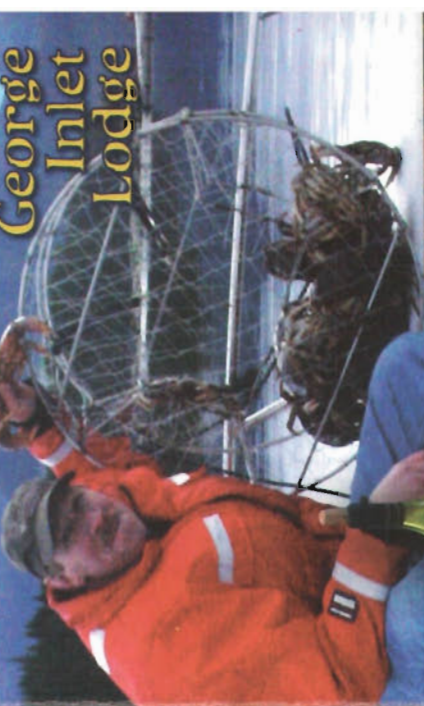


Where Your Alaskan Memories are made!



Wilderness Exploration & Crab Feed

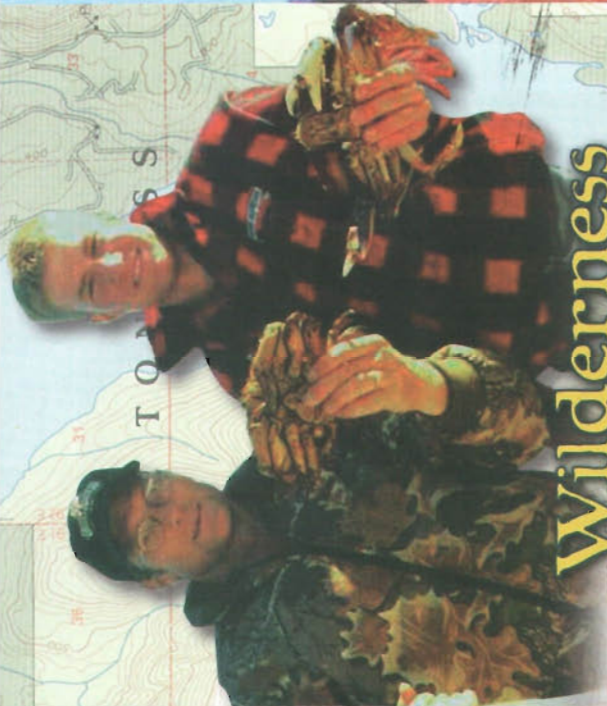
Hosted by George Inlet Lodge



This is a premier Alaskan Tour

Contact your shore excursion dept. for details.

Fun for all ages



Wilderness Exploration & Crab Feed

- Experience real Alaskan life
- Participate in active crab fishing
- Enjoy the beauty of the Rain Forest close up
- Savor Dungeness crab and the rustic elegance of our Lodge



Mountaintop Point

Ketchikan and the Inside Passage Waterway

1 Your tour begins by boarding a coach in Ketchikan, which boasts annual precipitation of 13 feet, 113 totem poles, and produces up to 2 million cases of salmon yearly. As you are leaving town, watch for some of the local wildlife ... float plane pilots, fishermen and loggers.



George Inlet Lodge

2 This rustic, yet elegant, lodge is your base for the wilderness exploration and crab feed. Formerly a cannery bunkhouse, serving as living quarters for cannery hierarchy until closing in 1954. In an epic undertaking, the lodge was jacked up from its foundation and towed 90 miles on a log raft across the Inside Passage to George Inlet.



George Inlet Packing Cannery

3 Seafood is one of the most valuable resources in the state of Alaska. In 1887 it was the technique of canning that made the abundant Alaskan salmon available to the nation. George Inlet Cannery packed fish from 1914 until World War II when the fishing economy was the mainstay. It is now an historic landmark.

The Old Mahoney Mine

4 Gold Fever brought the first miners to Ketchikan in hopes of "striking it rich". Miners found less crowds than the Klondike ... and less profitable minerals.



Mahoney Bight and Waterfall

5 Glaciers carved this huge bowl-shaped cirque with its 2000 ft. waterfall. June through September, the bight teems with thousands of salmon, attracting all kinds of wildlife: eagles, black bears, gulls and seals ... which in turn attracts killer whales and fishermen.



Crab Grounds

6 This estuary ecosystem is home to a wide array of wildlife: Dungeness crab, shore birds, waterfowl and larger mammals. With predominant features of a fresh water river, grass and mud flats, this is a prolific rookery for the S T Dungeness crab.



Wilderness Exploration & Crab Feed

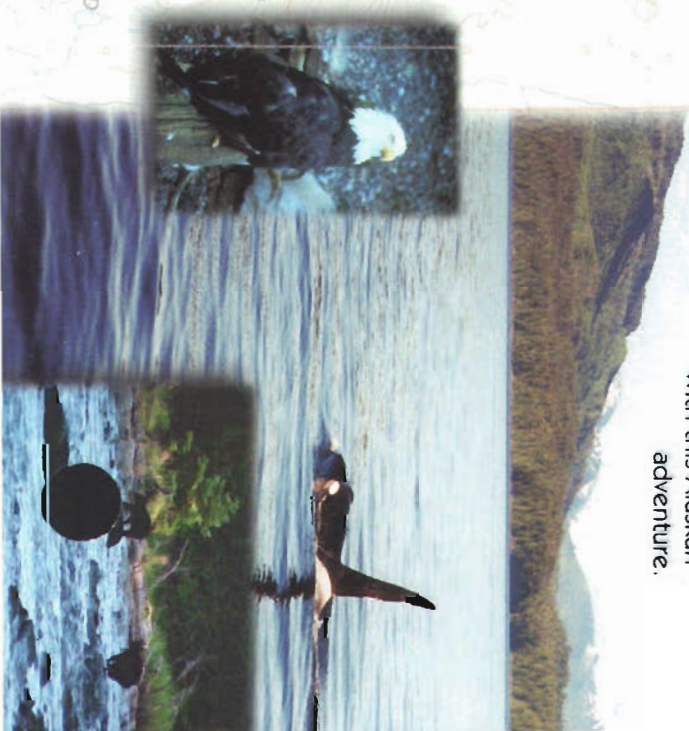
Alaska's finest excursion, The Wilderness Exploration and Crab Feed, allows you to meet real Alaskans and experience a part of Alaska's frontier life. The George Inlet Lodge, a historic landmark, is located ocean-side, amid the stunning beauty of the Tongass Forest. The lodge will act as the base camp for your excursion. You will board our comfortable catamarans, and join us in the hoisting of crab pots. Marine and land mammals are common sightings ... Killer whales, salmon, eagles, black bear.



For the grand finale, you will be treated to one of the finest meals in Alaska ... Alaska Dungeness Crab.

Like no other excursion offered in Alaska. Let us tantalize your taste buds and help create a lifetime of memories with this Alaskan adventure.

Experience Alaska Tours



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1 Your tour begins by boarding a coach in Ketchikan, which boasts annual precipitation of 13 feet, 113 totem poles, and produces up to 2 million cases of salmon yearly. As you are leaving town, watch for some of the local wildlife ... float plane pilots, fishermen and loggers.

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Wilderness Exploration & Crab Feed

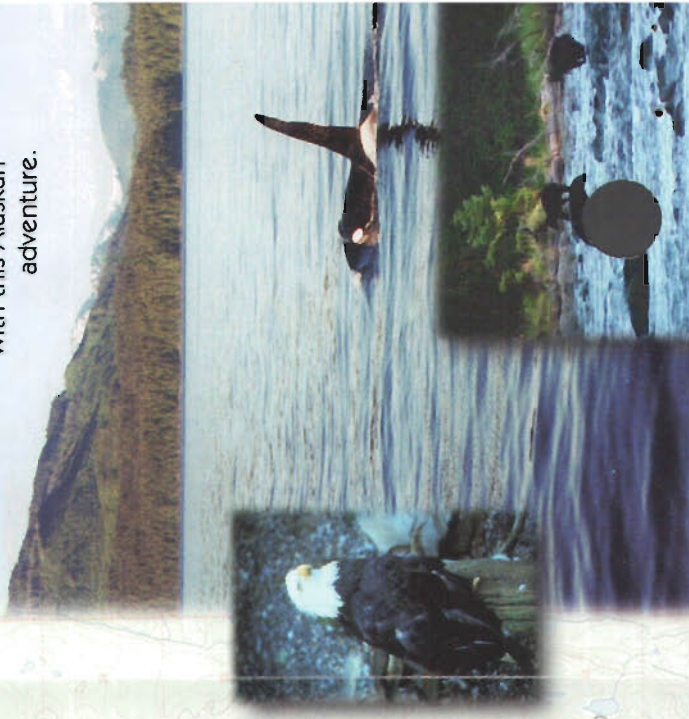
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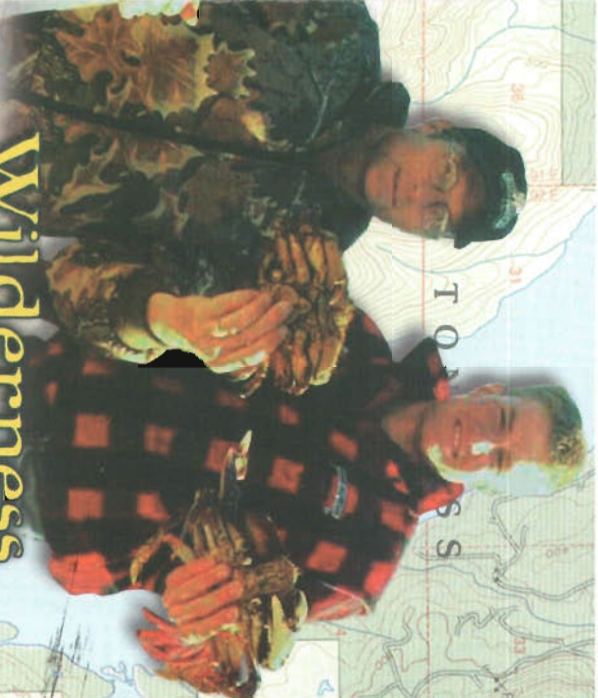
Experience Alaska Tours



George Inlet Lodge



Where Your Alaskan Memories are made!



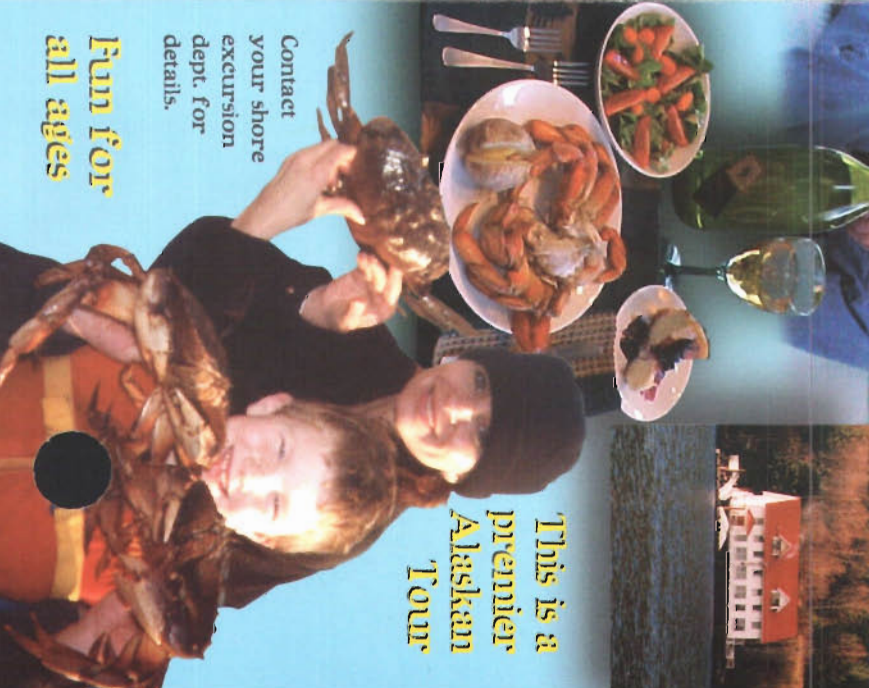
Wilderness Exploration Crab Feed

- Experience real Alaskan life
- Participate in active crab fishing
- Enjoy the beauty of the Rain Forest close up
- Savor Dungeness crab and the rustic elegance of our Lodge



Wilderness Exploration Crab Feed

Hosted by
George Inlet Lodge



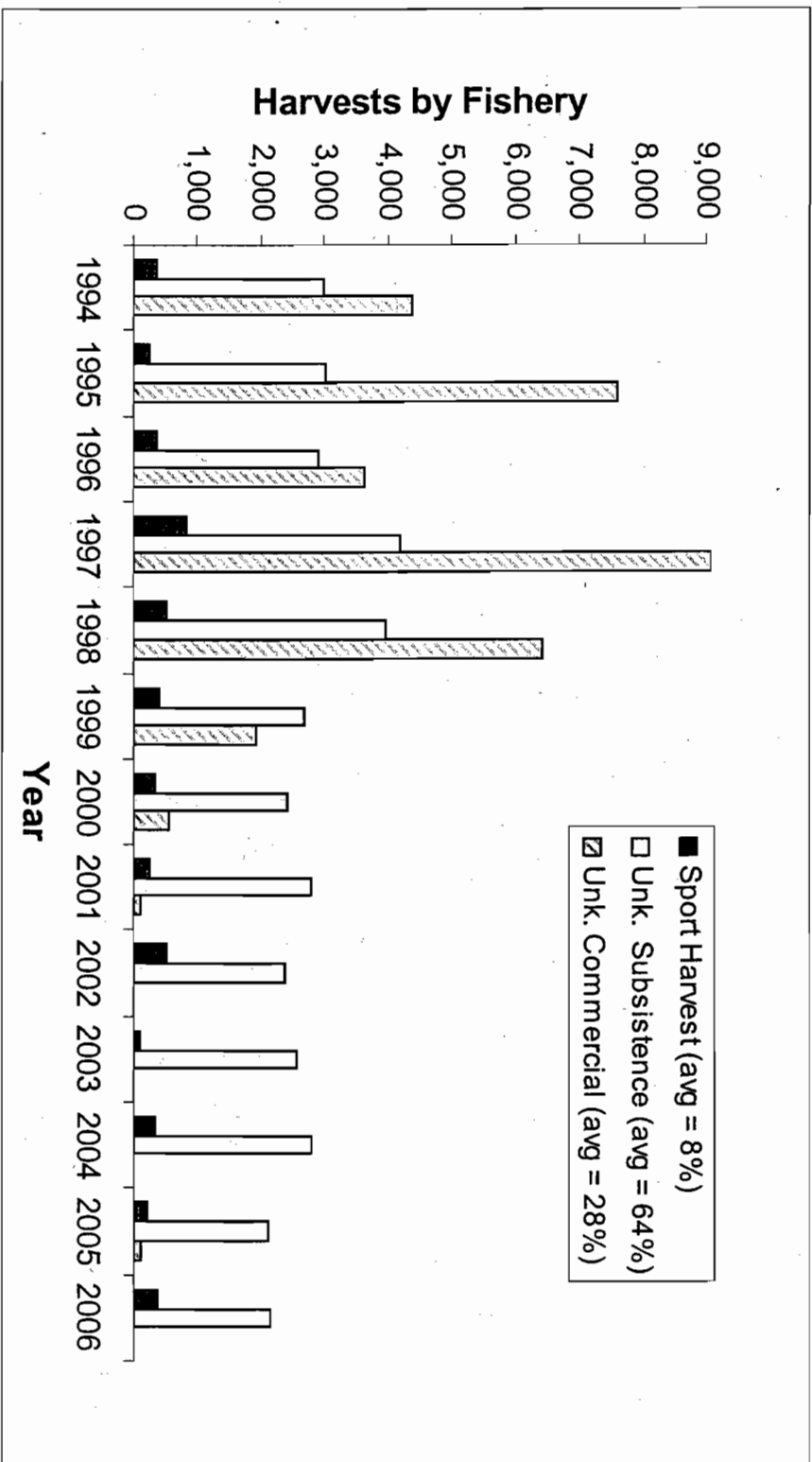
This is a premier Alaskan Tour

Contact your shore excursion dept for details.

Fun for all ages

2006-2007 SALTWATER LOGBOOK DATA FOR
NON-KODIAK BASED VESSEL OPERATING IN
KODIAK SALTWATER AREAS

| | <u>2006</u> | <u>2007</u> |
|-----------------------------|-------------|-------------|
| # OF CHARTER VESSELS: | 26 | 30 |
| # OF CHARTER TRIPS: | 191 | 209 |
| # OF KING SALMON HARVESTED: | 12 | 8 |
| # OF COHO SALMON HARVESTED: | 443 | 403 |
| # OF HALIBUT HARVESTED: | 1,611 | 1,501 |
| # OF LING COD HARVESTED: | 355 | 597 |
| # OF ROCKFISH HARVESTED: | 238 | 514 |



- In June 2009, ADF&G, Sport Fish Division will begin a two-year project to determine what proportion of the king salmon run that comes into the Unalakleet spawns in the North River and what proportion spawns up the mainstem. This project will help us determine the total drainagewide escapement using just the tower counts at the North River. A similar project was conducted by Sport Fish in 1998 and 1999, and we found that in both years, about 40% of the run went up the North River. This will be a two-year project using 130 radio-tags per year, and cost about \$100K.

RC 29

Seward AC
Meeting minutes
October 10, 2007

Called to order at 7:08 pm

Roll call, Present: McCracken, Casey, Clemens, Collman, Hubbard, Locke, McDevitt, McRae. Later in the meeting: Dubuc, Hatch. Excused: Campbell, Flood, Hall, Miller, Perdue. Bob White, Gary Fandrei, and Mike Richards from the public were in attendance. Dan Bosch and Mark Cloward were present, from ADFG and FWP.

The minutes from the previous meeting were approved.

Under presentations Mr. Dan Bosch, area fish biologist gave the end of season recap, Mr. Mark Cloward, gave a brief recap and said he would give a complete recap at the next meeting. Ms Diane Dubuc, vice chair, gave a recap of the Joint Board meeting in Anchorage.

BoF fish proposals for the Nov. 2007 meeting were discussed and acted upon as follows:

Proposal 16: At the request of Gary Fandrei this was moved to the beginning, he had to travel back to Soldotna. After a presentation by Gary and much discussion the proposal was amended to include a set of buoys to define the 100 yard boundary around the net pens. A 100 yard set back without a marked area is to vague. The unanimous approval of this proposal was conditional upon the net pens in Tutka Bay only, as there isn't a troll fishery in that portion of Tutka Bay lagoon.

Proposals 1-15&17 were not acted on.

Proposal 18: After discussion the proposal was amended to strike the words "or other legitimate purposes" from paragraph 1. The proposal was approved as amended unanimously.

Proposal 19: After Dan Bosch and Mark Cloward spoke to the proposal, a discussion centered around the increased impact on rock fish. The charter fleet that isn't included in the upcoming Halibut allocation will fish their clients on rock fish and salmon when salmon are present. The proposal passed unanimously.

RECEIVED

MAR 04 2008

BOARDS
ANCHORAGE

Proposal 20: The Seward AC is orientated toward providing youth fishing opportunities to our youth. This proposal was amended to refelect the week-ends as follows; The 3rd weekend in June and the 2nd weekend in July for Kings. The last weekend in Aug and the first weekend in Sept. for coho's. These weekends would include Fri, Sat and Sun.

The salmon for this youth fishery have escaped sport fishing in the marine environment and are not utilized by anyone. The proposal passed as amended unanimously.

Proposal 21: Dan Bosch and Mark Cloward spoke to the proposal, after discussion the proposal was approved unanimously. With anglers on the lower reaches of Resurrection River this would help curtail poaching, consumptive fishermen still have marine fishing privileges with 6 a day limit at the mouth of Resurrection River.

Proposal 22: Was approved unanimously, Its better to retain the rock fish and utilize them.

Chignik finfish proposals will be addressed at our Nov. 8, 2007 meeting.
Kodiak finfish proposals will be addressed at our Nov. 8, 2007 meeting.
Proposals 73-358 will be addressed at the Nov. 8, 2007 meeting.

Proposal 359: Was voted NO unanimously. Discussion centered around, crab surveys done in Kamishak and Katchmak bays have little or no bearing on the Outer Gulf Coast including Resurrection bay. Do to the restrictive nature of the pot limit (2) per vessel and a daily bag limit of 5, the citizens of the area will not be able to participate in a traditional personal use fishery. The undue hardship of fuel and vessel expense will discourage participation in this fishery.

Proposal 360: Was discussed and approved unanimously, pot size was discussed small pots are problematic, in 100-125 fathoms small pots drag or bounce due to current and tidal action. A detailed reporting system would provide valuable crab survey information.

Proposals:361-391 No Comment

APPROVED 11/8/07


Jim McCracken, chair



RC 30

Comments of Non-Subsistence Areas

A decision was made by the Joint Boards of Fisheries & Game last year in October 2007 to not hold another Joint Board of Fisheries & Game meeting, and we are surprised that this issue is still on the agenda for discussion.

No new substantial information, evidence or errors in correction has been presented to the Board of Fisheries to allow portions of Unit 13 to be changed to a non-subsistence area.

The Subsistence Division gave a Nonsubsistence Areas report, which was good; it had up to date information on the economy of the relevant communities, harvest levels and patterns, population, etc. No further information can be added to this report.

Suggesting that patterns of harvest levels and harvest on Federal Lands be added to the agenda and discussion is irrelevant to the discussion on Nonsubsistence Areas.

Making portions of Unit 13 into a Nonsubsistence Area will not alleviate the inherent problems in Unit 13; nor is the problems in Unit 13 a valid reason to change it into a Nonsubsistence Area. The BOG is attempting to fix the problems in Unit 13 by making portions of Unit 13 into a Nonsubsistence Area. This is not the answer, and it is an unlawful and an unjustifiable reason to change Unit 13 to a Nonsubsistence Area.

The Alaska Board of Game determined and made a C&T Finding in October 2006 that Unit 13 is a subsistence area, and that people in Unit 13 are dependant upon the resources. All available information shows nothing changed and the BOG has not demonstrated any new evidence.

Under AS 16.05.258(c), it states that non-subsistence area can only allowed in "areas or communities where dependence upon subsistence is not a principal characteristic of the economy, culture, and way of life of the area or community"; it is a well established fact the Ahtna Region or Ahtna Region is an area, where subsistence is a principal characteristic of the economy, culture and way of life".

Comments on Proposal 401

We support Proposal 401 with an amendment to exclude "catch and release" and keep "the department requests that the Board amend the existing management plans to allow the department to reduce the bag limits, and modify methods and means in stocked water by emergency order".

Summary of Proposed Action:

Emergency regulation to prevent or reduce economic harm to operators who have previously erroneously been issued educational permits for commercial fishing activities (ecotourism and aquariums) while preventing harm to commercial fishermen and other user groups.

Differentiates commercial adventure fishing (otherwise known as dude fishing) from ecotourism fishing.

Establishes general framework for commercial adventure fishing, ecotourism fishing. Generally allows commercial adventure fishing and ecotourism fishing within any open commercial fishery and prohibits such fisheries in areas closed to commercial fishing. Requires registration and logbook maintenance. A CFEC permit holder must be present at all times, and anyone handling gear or fish must be a CFEC permit holder or have a commercial crewmember license.

Makes it clear that a department permit is required for aquarium stocking; with *de minimis* exceptions, generally requires aquarium stocking to occur from commercial fisheries if there is a limited fishery for a species to be stocked.

Establishes a Superexclusive Commercial Ecotourism Dungeness fishery in George's Inlet with strict pot limits and handling requirements and gives the Commissioner authority to close or further restrict the fishery if necessary to protect the resource.

New superexclusive areas for commercial ecotourism or adventure fisheries could be proposed to the Board during its regular regulatory cycle.

Proposed Conceptual Changes to Regulatory Language:

5 AAC 41.001. Application of this chapter. The provisions of this chapter govern the transportation, possession, or release of live fish transplanted for or cultivated for human consumption or sport fishing purposes, or as part of an aquaculture program for scientific, educational, or propagative purposes, and the transportation and possession of shellfish or aquatic plants for commercial purposes including aquatic farming, aquarium stocking, commercial adventure fishing, and commercial ecotourism fishing. Unless specifically provided, the provisions of this chapter do not apply to the cultivation of ornamental fish.

AAC 41.005. Permit required

☞ (a) Except as otherwise provided, no person may transport, possess, export from the state, or release into the waters of the state, any live fish unless the person holds a fish transport permit issued by the commissioner or his authorized designee, and the person is

in compliance with all conditions of the permit and the provisions of this chapter. A fish transport permit will be issued for a fixed term subject to the provisions of (c) of this section.

(b) A fish transport permit authorizes only that operation specified in the permit. Any change of species, broodstock, or location requires a new permit. Any other change requires an amendment to the permit.

(c) The commissioner shall suspend the permit, or particular provisions of the permit including amendments, if he finds

(1) on the basis of new information or changed circumstances, that the permitted activity will adversely affect the continued health and perpetuation of native, wild, or hatchery stocks of fish; or

(2) the permittee has failed to comply with permit terms or the provisions of this chapter.

(d) Notwithstanding the expiration, termination or suspension of a fish transport permit, each permittee is responsible for the obligations arising under the terms and conditions of the permit, and under the provisions of this chapter.

(e) Unless otherwise provided by regulation or emergency order, a permit is not required for transportation of sport, personal use, subsistence, or commercially caught fish from the place of harvest to a place within the state for processing or commercially caught fish to a place within the state for sale.

Chapter 41 is amended by adding a new Article 5 to read:

Article 5

Commercial Ecotourism and Adventure Fishing

5 AAC 41.505 Except as otherwise provided, commercial adventure fishing may occur only as follows:

- (1) a person holding a valid CFEC limited entry or interim use permit registered for the fishery must be present at all times when gear or fish are being handled;
- (2) each person engaged in adventure fishing and each person aboard a vessel engaged in adventure fishing must have a valid interim use permit, limited entry permit, or crew member license;
- (3) prior to engaging in commercial adventure fishing a permit holder and vessel owner must register with the department for the relevant fishery and must specify that they will be engaged in commercial adventure fishing;
- (4) a CFEC limited entry or interim permit holder engaged in commercial adventure fishing shall keep a log book of each trip detailing the names and license or permit numbers of each person engaged in commercial adventure fishing or on board a vessel engaged in commercial adventure fishing, total catch by species, and the disposition of the catch. The logbook shall be onboard at all times when the vessel is fishing or has fish on board. Logbook information shall be provided to the department upon request, and the complete logbook shall be provided to the department no later than December 15 of the year in which fishing occurs; if commercial adventure fishing occurs between December 15 and December 31 a supplemental logbook shall be maintained and shall be provided to the Department no later than January 10 of the following year;
- (5) commercial adventure fishing may occur only if the commercial fishery is open in the area at the time of harvest and only with gear allowed in the relevant commercial fishery;
- (6) a person engaged in commercial adventure fishing may not place fish in gear deployed or retrieved in a commercial adventure fishery.

5 AAC 41.520 (a) Except as otherwise provided, Commercial Ecotourism Fishing may occur only as follows:

- (1) a person holding a valid CFEC limited entry or interim use permit registered for the fishery must be present at all times when gear or fish are being handled;
- (2) a person engaged in commercial ecotourism fishing or on board a vessel engaged in ecotourism fishing may handle gear or fish only if the person is a CFEC limited entry or interim use permit holder, or a holder of a commercial crew member license;
- (3) prior to engaging in commercial ecotourism fishing, and by January 2 of each calendar year in which fishing will occur, the a permit holder and vessel owner must register with the department for the relevant fishery and must specify that they will be engaged in commercial ecotourism fishing;

(4) a CFEC limited entry or interim permit holder engaged in commercial ecotourism fishing shall keep a log book of each trip detailing the names and license or permit numbers of each limited entry or interim use permit holder and each commercial crewmember on board, each deployment or retrieval of gear, total catch by species, and the manner in which the catch is released or returned to the water. The logbook shall be onboard at all times when the vessel is fishing or has fish on board. Logbook information shall be provided to the department upon request, and the complete logbook shall be provided to the department no later than December 15 of the year in which fishing occurs; if commercial ecotourism fishing occurs between December 15 and December 31 a supplemental logbook shall be maintained and shall be provided to the Department no later than January 10 of the following year;

(5) commercial ecotourism fishing may occur only if the commercial fishery is open in the area at the time of harvest and only with gear allowed in the relevant commercial fishery;

(6) fish may not be retained by a person or aboard a vessel engaged in commercial ecotourism fishing;

(7) a person engaged in an commercial ecotourism fishery may not place fish into gear used in the commercial ecotourism fishery.

(b) Notwithstanding (a)(3) of this section, during the 2008 calendar year, a limited entry or interim use permit holder or vessel owner may register until May 1.

5 AAC 41.535 Aquarium Stocking. (a) Aquarium stocking for commercial display may occur, subject to requirements of this chapter, only if authorized under a permit from the commissioner, and unless the specimens are commercially harvested, only if the commissioner determines that there is an educational component to the display.

(b) Aquarium stocking permits may contain such terms as the commissioner deems appropriate to protect fishery resources and prevent impacts to other user groups.

(c) Aquarium stocking permits may not be issued to any permit applicant for collection of more than 4 specimens of any single species for which there is a fishery for which the Commercial Fisheries Commission has established a maximum number or which is subject to a regulatory or statutory moratorium on entry; additional specimens may be obtained only if purchased from a commercial fisherman.

(d) Outside of established or experimental commercial fisheries, the commissioner shall not permit harvest of significant numbers of animals of any species from any area for commercial aquarium purposes.

(e) The commissioner shall not permit harvest of any species for commercial display purposes outside of an established or experimental commercial fishery if the commissioner determines that purchase of live specimens taken in a commercial fishery is practicable, or would have been practicable if properly planned. In determining whether purchase from a commercial fisherman is or would have been practicable, the Commissioner shall consider the number of specimens needed, the distance to areas where the species can be commercially harvested, and the expected lifespan of specimens held in captivity.

- (f) The commissioner shall not permit harvest of any species for aquarium stocking purposes if the commissioner determines that the cumulative effects of allowing such harvest could negatively impact sport, personal use, subsistence, or commercial fisheries.
- (g) The commissioner shall not permit harvest of any species for aquarium stocking purposes if the area where the harvest is proposed is closed to sport, personal use, and subsistence harvest.
- (h) The commissioner shall not issue permits authorizing harvest for aquarium stocking that are effective for more than one year. The commissioner may modify or revoke permits authorizing harvest for aquarium stocking by emergency order if the commissioner determines that the terms of the permit have been violated or that that the permit may be detrimental to the resource or other users.
- (i) Specimens held in an aquarium may not be released to the natural waters of the state unless specifically authorized by the commissioner under the terms of a scientific or educational permit.

5 AAC 41.599 Definitions. Unless the context requires otherwise, in 5 AAC 41.500-599:

- (1) “aquarium stocking” means the taking of fish from the natural waters of the state or placement of fish originating from the natural waters of the state for purposes of live display, but does not include placement of fish taken in a commercial fishery in a live tank for sale or resale;
- (2) “commercial display” means a display where a fee is charged for admission to the viewing area or where viewing is limited to guests of an establishment which sells merchandise, transportation, services, or accommodations.
- (3) “commercial adventure fishing” means commercial fishing where any member of the crew is charged a fee by anyone other than the State of Alaska to serve as a crew member, but does not include commercial ecotourism fishing;
- (4) “commercial adventure fishery” means any portion of a commercial fishery that is engaged in commercial adventure fishing;
- (5) “commercial ecotourism fishing” means take of fish for compensation for nonconsumptive purposes with gear which allows live release or live return to the water, but does not include guided sport fishing;
- (6) “commercial ecotourism fishery” means any portion of a commercial fishery that is engaged in commercial ecotourism fishing;

5 AAC 32.106 is amended by adding a new (d) to read:

(d) The waters of George Inlet north of the latitude of the southernmost tip of California Head, excluding the waters of Herring cove, are a superexclusive registration area within Area A for Dungeness crab and are limited to ecotourism fishing as defined in 5 AAC 41.599.

A new 5 AAC 32.147 is added to read:

5 AAC 32.147. George Inlet Superexclusive Dungeness Fishery.

(a) Notwithstanding the provisions of 5 AAC 31.146, 5 ACC 32.150, and 5 AAC 41.520(5), the waters of George Inlet north of the latitude of the southernmost tip of California Head, excluding the waters of Herring cove, are open as a superexclusive registration area for Dungeness crab limited to ecotourism fishing subject to the requirements of this chapter, 5 AAC 41.520, and to the additional requirements of this section.

(b) The George Inlet Superexclusive area is open to ecotourism fishing for Dungeness Crab from April 15 through September 30, unless closed by emergency order.

(c) The holder of a Southeast Alaska Dungeness crab limited entry permit or interim use permit and a vessel owner may register for the George Inlet superexclusive area prior to January 3 and prior to fishing for Dungeness crab in any other registration area during the calendar year and subsequently may not register the permit or vessel for any other Dungeness Crab registration area during the calendar year.

(d) no more than 6 pots may be fished, any excess pot tags previously obtained must be returned to the department upon registration, and each pot may be lifted no more than twice during any calendar day.

(e) All crab, except 1 legal male Dungeness crab, taken must be returned to the water unharmed immediately after being brought on board a vessel or after being removed from a pot; all bycatch must be immediately removed from the pot and released unharmed; one legal male Dungeness crab may be temporarily retained at the location of harvest for educational purposes, but must be released unharmed prior to leaving the location of harvest.

(f) No bait may be added to a pot unless all crab are first removed from the pot and released.

(g) No more than 4 crab may be left in a pot if a pot is returned to the water.

(h) The commissioner may close the fishery by emergency order, or close and immediately reopen the fishery with additional conditions by emergency order, if the commissioner determines that such closure or conditions are reasonably necessary for the protection of the resource;

(i) Notwithstanding (c) of this section, during the 2008 calendar year, prior to May 2, a limited entry or interim use permit holder who has previously fished for Dungeness in Area A may cancel Area A registration, and register for the George Inlet superexclusive area; after registering for the superexclusive area, no further fishing may occur in other portions of Area A.

Summary of BOF/BOG Coordination Committee Meeting, February 13, 2008

Board members present: Cliff Judkins (BOG), Ron Somerville (BOG), Ted Spraker (BOG); Vince Webster (BOF), Howard Delo (BOF). Staff present: Denby Lloyd (Commissioner), Elizabeth Andrews (Subsistence), Jim Fall (Subsistence), Jim Simon (Subsistence), Jim Marcotte (Boards Support). Public present: Lou Bradley (BOG appointee), Linda Tyone (public), Sky Starkey (counsel for Ahtna, Inc.). By teleconference: Ken Taylor (Deputy Commissioner), Kristy Tibbles (Boards Support); Lance Nelson (Dept. of Law); Kevin Saxby (Dept. of Law)

Introductions were made and the purpose of the meeting described. The purpose was to review the grounds for scheduling a future Joint Board meeting. Board of Fisheries (BOF) members on the committee planned to listen to the information proposed by the Board of Game (BOG) members and report back to the full BOF at its March 3-9, 2008 meeting in Anchorage so that it can consider action at a later time.

The BOG discussed a modified proposal at its November 9-12, 2007 meeting in Bethel that presents two options for establishing a nonsubsistence area in portions of Game Management Unit 13 between the Glenn and Denali highways.

Frustration was expressed by BOG members over the action taken during the October 2007 Joint Board meeting by the BOF, specifically against finding that there were sufficient changes in the local economy since the Joint Board's previous finding in 1992 to warrant additional discussion of Proposal 38. The result was that Proposal 38 was not forwarded to a future Joint Board meeting. Some BOG members understood that the October 2007 Joint Board meeting was to be the first step in a two step process and that a second opportunity would be available for identifying and reviewing additional information for the proposed nonsubsistence area. Other Joint Board members understood that a second meeting would not be scheduled if the available data showed no significant changes to the role of subsistence uses in the local economy of the proposed nonsubsistence area had occurred since 1992.

The BOG described how it had worked on solutions for the management of Unit 13 caribou hunts for some time and, in members' view, had exhausted other viable options. The BOG and many advisory committees have received continual proposals over the past ten years wanting to change the Nelchina caribou Tier II hunt. Many people have been of the opinion that the residents of the road accessible communities in the Nelchina Basin do not practice a substantially subsistence life style, while local residents in the Nelchina Basin maintain that they do practice a subsistence lifestyle. The BOG has been continually subjected to this dispute, and the BOG considers it necessary for the Subsistence Division to conduct the necessary research to answer that question. Without action by the Joint Boards the BOG will be left in this predicament. Only with updated information and data can the board make a decision.

BOG members also explained that getting the Nelchina caribou hunt out of Tier II for a portion of the hunt area, such as the Mat-Su Borough portion of the herd range, would get

more permits in the hands of local hunters from Copper Basin communities. Others question how this would work legally.

There was concern over the adequacy of data specific to subsistence uses in the proposed nonsubsistence area suggested in Proposal 38. BOG members commented that the percent of harvest by people residing in/using the proposed nonsubsistence area was not presented. Department staff explained that data provided for the October 2007 meeting came from recent harvest statistics, recent Department of Labor data, the 2000 federal census, and from older Subsistence Division studies. In October, both boards reviewed department reports and heard public testimony, but the boards were divided in concluding whether or not there was enough information to support a change in the 1992 board finding. Adequacy of information on the hunting and fishing patterns for the Matanuska-Susitna valley area was also discussed.

BOG members noted that some of the currently allowed hunting practices in the Unit 13 Tier II hunts do not fit the concept of a customary and traditional subsistence use, and that having a nonsubsistence area would allow for protecting core subsistence practices.

There was continued discussion about data needs and whether there is sufficient information currently available that only needs to be packaged differently or if new studies need to be conducted. For example, harvest data could be compiled by Uniform Coding Units (UCU) to address specific proposed areas. Subsistence Division pointed out state law requires analysis of the area's overall economy and culture. There was also discussion over whether having modified versions of a proposed nonsubsistence area constituted "new information" warranting another Joint Board meeting. The approach of proposing a nonsubsistence area boundary followed by analyzing information specific to that area was discussed. The Department of Law pointed out that the Joint Board needed to evaluate any proposed boundary using information about all fish and wildlife uses in the area or else risk having the boundary appear arbitrary. BOG members also suggested that looking at the available data on the role of hunting and fishing in the area's economy would lead to an appropriate delineation between subsistence areas and nonsubsistence areas.

There was a brief discussion over whether the Joint Board's "All Alaskans Policy" (#90-18-JB), state statute, or court actions are controlling factors limiting participation in subsistence hunts.

Committee members will report back to their respective boards.

Sign-up List

**COMMITTEE A - Bering Sea King and Tanner Crab
(14 Proposals)**

Board committee members: Jensen (chair), Delo, Edfelt

| Name | Organization representing | User group |
|-----------------|-----------------------------------|-------------------|
| Frank Kely | Unalaska | AC |
| Jeff Steele | Bering Hunters LLC | |
| Lance Farr | Kerleen K | |
| Kevin Kaldestad | Mariner Co-op | |
| Jeff Kauffman | CBSFA/MSDH St. Paul | |
| Glenn Merrill | National Marine Fisheries Service | |
| Lenoard Herzog | Tempo Sea | |
| Jim Stone | Pribilof Red King Crab Harvesters | |
| Doug Wells | MV Baranof | |
| Arni Thompson | A.C.C. | |

Sign-up List

COMMITTEE B - Aleutian Islands/Kodiak/Norton Sound Crab (12 Proposals)

Board committee members: Williams (chair), Webster, Campbell

| Name | Organization representing | User group |
|-----------------|-----------------------------------|--------------------------|
| Rip Carlton | NSEDC | Golden King Crab |
| Dick Powell | Self | |
| Art C Ivanoff | SNSFFC | Golden King Crab |
| Wes Jones | NSEDC | Norton Sound Crab Prop. |
| Linda Kozak | Patricia Lee, Inc. | Golden King Crab |
| Charlie Lean | NSEDC & NNSAC | Norton Sound Golden Crab |
| Oliver Holm | Kodiak AC | AC |
| Frank Kelty | Unalaska AC | AC |
| Bing Hemkel | Erla N | |
| William Johnson | NSSP Buyer | |
| Glenn Merrill | National Marine Fisheries Service | |
| Chad Hoefler | AIGC | |
| Arni Thompson | A.C.C. | |
| Steve Minor | PNW AC | AC |

Sign-up List

**COMMITTEE C - Prince William Sound and Cook Inlet Crab
(7 Proposals)**

Board committee members: Delo (chair), Jensen, Edfelt

| Name | Organization representing | User group |
|--------------|----------------------------------|-------------------|
| Dianne Dubuc | Seward AC | |
| Jim McCrakem | Seward AC | |

Sign-up List

**COMMITTEE D - Supplemental Issues
(8 Proposals)**

Board committee members: Morris (chair), Williams, Webster

| Name | Organization representing | User group |
|-------------|----------------------------------|-------------------|
| Ruben Hanke | Self | |
| Jim Stone | Scallop Association | |
| Oliver Holm | Kodiak AC | AC |

Sign-up List

**COMMITTEE E - Tour fishing
*Committee as a whole***

| <u>Name</u> | <u>Organization representing</u> | <u>User group</u> |
|----------------------|---|--------------------------|
| Lynn Langford Walton | Aleutian Ballad, LLC | |
| Rob Scheer | Experience Alaska Tours | |

RC 34

VOTER RECORD/COMMENT

ADVISORY COMMITTEE: Kodiak

DATE: February 12th 2008 PAGE 1 OF 1

Board of Fish Comments for Kodiak Advisory Comm.

Please use this format to record the votes and comments of members regarding proposals. The boards are particularly interested in hearing the reasons why proposals are supported/opposed. If committee members believe a proposal does not pertain to their jurisdiction, it is not necessary to spend time on that proposal.

| Proposal # | Support | Oppose | Abstain | Summary of Discussion (include minority view) |
|------------|---------|--------|---------|---|
|------------|---------|--------|---------|---|

| Proposal # | Support | Oppose | Abstain | Summary of Discussion (include minority view) |
|------------|---------|--------|---------|---|
| 366 | 0 | 12 | | basically a small boat fishery losing super-exclusive registration would allow larger Bering sea boats to enter fishery prior to the vessels going to the Bering sea fishery. |
| 367 | 0 | 12 | | would reallocate crab to larger vessels, with current depressed tanner stocks not enough crab to support more gear. |
| 402 | 12 | 0 | | mgt plan needs to be in place in case Legislature fails to act. SUPPORT |
| 405 | 12 | 0 | | system works and is effective - SUPPORT |
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RC 35

5 AAC 75.069. Prohibitions on shellfish pot gear

A person may not disturb, tamper with, or retrieve another person's shrimp, Dungeness crab, **king crab, Tanner crab,** or miscellaneous shellfish pot gear without prior permission of the owner of that pot gear.

5 AAC 77.019. Prohibitions on shellfish pot gear

A person may not disturb, tamper with, or retrieve another person's shrimp, Dungeness crab, **king crab, Tanner crab,** or miscellaneous shellfish pot gear without prior permission of the owner of that pot gear.

5 AAC 02.019. Prohibitions on shellfish pot gear

A person may not disturb, tamper with, or retrieve another person's shrimp, Dungeness crab, **king crab, Tanner crab,** or miscellaneous shellfish pot gear without prior permission of the owner of that pot gear.

RE: Proposal 380, Pribilof Red King (PIK) Crab Management Plan

RC 36

Public Testimony by Jim Stone

My name is Jim Stone representing the Pribilof King Crab Harvesters. I have fished every open season in the Pribilof Islands since 1978. I know these grounds as well or better than anyone and understand where and how these crabs inhabit the area.

First and foremost, I want to make it clear that I want to ensure the safety of the depressed Blue Crab stocks. It is in mine and all the other stakeholders' interest to protect them for our future.

I believe that industry and ADF&G can devise a plan to harvest any Red King Crab Surplus without harming the Blue Crab Stocks. Using Pot Limits with as few as even 100 pots aggregate for the entire fishery, 100% Observers and By-Catch Caps. Also requiring 100% of the PIK Quota Share in a Coop membership with strong contracts that would inflict huge fines on any Harvest Boat violating the Coop bylaws of exceeding any By-Catch Caps set by ADF&G. Using the Cooperatives would effectively give the department the in-season management tools they would need.

In this manner as low as 1 or 2 vessels could gingerly work on the Red Crab schools and avoid the Blue Crab schools. If the Department felt the Bycatch was too high they could demand it closed and the Cooperative rules and associated fines would ensure the harvest vessels stopped on a moment's notice.

We would not want to fish inside the currently closed Blue Crab Savings Area on the ENE side of St. Paul Island.

It should be noted that we want to fish the exact same waters currently opened to Snow Crab, Bairdi Crab, Pot Cod and Long Lining. None of these fisheries have any Blue Crab bycatch limits imposed on them.

If population levels are deemed currently too low for fishing at this time, we should still develop a management plan for when these populations do begin to recover.

Please note the paper I turned in (RC24). It shows over 93% of PIK quota share holders support of the design of a Coop styled management plan. Also support by CBSFA the 10% CDQ quota holder and various other industry groups.

I am confused by a report (The Pribilof Red King Crab Fishery) presented to the Board earlier today. In it on page 4 through 6, it refers to a 2007 legal-sized male abundance of .77 million crabs. On page 20 it states "Abundance estimated to be in decline". Yet in the 2007 BSAI crab SAFE document (submitted with this testimony) it shows 2007 Legal sized Male abundance of 1.6 million crabs and a 25% increase. The SAFE document shows a Large Female abundance of 1.7 million crabs, an 85% increase, yet on page 4 of yesterdays report it states "Female abundance not estimated". I find these discrepancies very confusing.

Please help us get a management plan that gives us the same opportunity to harvest any Red Crab Surplus as the other fisheries in the exact same area have to catch their harvestable surpluses.

Chapter 3: Results of the 2007 NMFS Bering Sea Crab Survey Draft Executive Summary

This document summarizes data presented in the Report to Industry on the 2007 National Marine Fisheries Service Eastern Bering Sea Trawl Survey. Numbers presented are trawl survey indices of population level and do not necessarily represent absolute abundance.

For further information, contact Dr. Louis Rugolo, NMFS, 301 Research Court, Kodiak, AK 99615. Phone (907) 481-1715. TACs (Total Allowable Catches) include allocation to the Community Development Quota fisheries.

Red king crab (*Paralithodes camtschaticus*) Bristol Bay.

Legal males: 13.3 million crabs; 6% increase.

Pre-recruits: 10.2 million crabs; 37% increase.

Large females: 35.4 million crabs; 19% increase.

Status: The abundance of legal males increased slightly in 2007. The 2007 index of pre-recruit males showed a notable increase while that for small males decreased by 23%. The abundance of mature females increased relative to 2006 although that for pre-recruit females declined significantly by 72%. The overall male plus female population abundance in 2007 decreased slightly by 6%; total males declined by 3% and total females declined by 9%. Almost all new shell mature females carried new eggs. With the exception of the large male and female size categories which are average, the current assessment of small and intermediate male, and small female abundances are in the low historical range. The 2007 survey found poor representation of small male and female crabs in the population. Legal males in 2007 are represented by a large (78%) proportion of new-shell individuals. Estimated total mature biomass in 2007 is above the B_{MSY} threshold. While the stock is not considered to be overfished, it remains well below the peak population levels of abundance of the 1970s.

TAC: Unknown at present.

Red king crab (*Paralithodes camtschaticus*) Pribilof District.

Legal males: 1.6 million crabs; 25% increase.

Pre-recruits: 0.2 million crabs; 8% decrease.

Large females: 1.7 million crabs; 85% increase.

Status: Crabs are highly concentrated, and indices of abundance of all categories are characterized by very poor precision. Male abundance estimates in this district are highly influenced by the results of a limited number of tows with positive crab catches. Small and legal male abundance increased relative to 2006; the dramatic (774%) increase in small males is in comparison only to the extremely low 2006 index. Pre-recruit male abundance decreased in 2007. The overall male plus female population abundance in 2007 increased by 50%; total males increased by 28% and total females increased by 86%. The majority of the increase seen in total female abundance occurred in the large size category as virtually no small females were encountered. Estimated total mature biomass is

above B_{MSY} ; the stock is not considered to be overfished. Future recruitment is very difficult to discern. Red king crabs in the Pribilof Islands have been historically harvested with blue king crabs and are currently the dominant of the two species in this area. There are concerns as to the low reliability of these abundance estimates, and that unacceptable levels of blue king crab incidental catch could occur in a directed Pribilof Islands red king crab fishery.

TAC: Unknown at present.

Pribilof Islands blue king crab (*P. platypus*) Pribilof District.

Legal males: 0.1 million crabs; 46% increase.

Pre-recruits: 0.1 million crabs; 160% increase.

Large females: 0.2 million crabs; 49% decrease.

Status: The population is extremely low overall and trends in abundance are not easily detectable. Indices of male and female abundance are characterized by very poor precision. All male size categories increased in abundance relative to 2006, although the abundance in all female size categories declined. The index of small male abundance increased by 137% in 2007 and that for small females decreased by 22%. The overall male plus female population abundance in 2007 declined by 6%; total males increased by 122% and total females declined by 45%. Irrespective of the percent change in abundance relative to 2006, the 2007 assessment reveals indices among the lowest on record. The percent increase in 2007 male abundance for all size categories should be viewed cautiously since they're relative to exceedingly low respective indices in 2006. Little or no definitive signs of recruitment to the stock is apparent thus giving little indication of future stock recovery. Estimated total mature biomass fell below the MSST in 2002 and has remained below threshold for the 6th consecutive year. The stock is considered to be in the overfished level of abundance.

TAC: / Unknown at present.

St. Matthew blue king crab (*P. platypus*) Northern District.

Legal males: 1.4 million crabs; 1% decrease.

Pre-recruits: 2.3 million crabs; 212% increase.

Large females: 0.2 million crabs; 27% decrease

Status: Indices of abundance in this district are affected by the portion of the stock occupying inshore rocky untrawlable grounds. They are also characterized by low precision. The overall male plus female population abundance in 2007 increased by 113%; total males increased by 108% and total females increased by 169%. The index of small male abundance increased 145% relative to 2006, while small females increased substantially by 545%. The 2007 assessment showed encouraging signs of a more wider distribution of crabs around St. Matthew Island than encountered in recent past. Assessment of this stock is clouded by large uncertainty in estimated female abundance. The current assessment for small and pre-recruit males, and small females are among the highest population estimates on record which may indicate future recruitment to the stock. This stock declined steeply in 1999 and estimated total mature biomass fell below the MSST definition of an overfished stock. Total mature biomass has remained below the MSST since 1999 with the exception of 2002 where it was slightly above threshold. In 2007, total mature biomass rose above

the MSST, thus this stock is no longer considered overfished under the current plan definition. It is deemed to be rebuilding and will be considered restored if it rises above B_{MSY} for two consecutive years.

TAC: Unknown at present.

Tanner crab (*Chionoecetes bairdi*) Eastern District.

Legal males: 12.1 million crabs; 17% decrease.

Pre-recruits: 92.5 million crabs; 26% increase.

Large females: 40.8 million crabs; 6% decrease.

Status: Since 2004, this stock demonstrated encouraging signs of recovery and increasing abundance in both 2005 and 2006. In 2007, with the exception of the pre-recruit male category, all sex-specific size categories decreased relative to 2006. The overall male plus female population abundance in 2007 decreased by 12%; total males increased by 1% and total females decreased by 30%. The index of small male abundance decreased 3% relative to 2006, while small female abundance decreased by 33%. The legal male abundance index is characterized by low precision and legal-sized males continue to represent only a small portion of mature male stock abundance. The current estimates of small and pre-recruit male abundance are among the highest population estimates on record which suggest future recruitment to the stock. Old and very old shell crab remain a relatively large proportion in the male size distribution at 80mm / carapace width and greater; these males will not molt to legal size in the future. Total mature biomass fell below the MSST in 1997-2002, rose slightly above threshold in 2003, fell slightly below in 2004 and rose above the MSST in 2005. In 2006 total mature biomass rose above the level (B_{MSY}) indicative of a restored stock. Total mature biomass estimate in 2007 also above B_{MSY} , thus stock considered rebuilt under current plan definition.

TAC: Unknown at present.

Snow crab (*C. opilio*) All districts combined.

Large males: 150.9 million crabs; 5% increase.

Pre-recruits: 344.3 million crabs; 19% increase.

Large females: 1244.4 million crabs; 19% increase.

Status: The abundance indices of all sex-specific size categories increased slightly in 2007 relative to 2006 with the exception of the small female category. The overall male plus female population abundance increased by 2%; total males increased by 7% and total females decreased by 2%. The index of small male abundance increased by 5% relative to 2006, while small female abundance decreased substantially by 35%. The female reproductive stock is evidenced by high frequencies of old and very old shell crab which is of concern in terms of expected reproductive output. The mode of apparent male recruitment in 2006 was not replaced by new recruitment in 2007. With the exception of the pre-recruit and large male size categories which are average, the current assessment of small male abundance, and small and large female abundances are among the lowest estimates on record. There is apparent continued recruitment failure in the small male and female size categories; the recruitment trend since 1994 is dramatically low and future outlook for the stock is uncertain. Total mature biomass fell below the MSST in 1999, rose above threshold in 2000

and 2001, fell below threshold in 2002-2004, and it rose slightly above in 2005. Total mature biomass declined in 2006 but remained above the MSST. In 2007, total mature biomass rose slightly but it remains well below the B_{MSY} threshold definition of a restored stock under the current plan.

TAC: Unknown at present.

Hair crab (*Erimacrus isenbeckii*) All districts combined.

Legal males: 2.0 million crabs; 91% increase.

Total females: 1.3 million crabs; 65% decrease.

Status: Since the early 1990s, this population has shown persistently declining trends in abundance. In 2007, the abundance indices of all male size categories increased relative to 2006, while female abundance declined substantially. The overall male plus female population abundance in 2007 decreased by 7% and total males increased by 88%. The index of small male abundance increased by 85% relative to 2006. Recruitment trends in this stock are unclear due to poor representation of small crabs in the survey and to the extremely poor precision of the abundance estimates. Current stock status is not well estimated.

TAC: Unknown at present.

RC37

**COOK INLET, NORTH GULF COAST AND
PRINCE WILLIAM SOUND**

**DELIBERATION MATERIAL FOR THE
MARCH 2008**

BOARD OF FISHERIES MEETING

~KING AND TANNER CRAB~

Anchorage, Alaska
Prepared by:

Division of Sport Fish
and
Division of Commercial Fisheries

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COOK INLET TANNER CRAB

Considerations for Proposal # 359: *Establish a noncommercial fishery threshold for Cook Inlet waters west of a line from Anchor Point to Point Pogibshi and noncommercial fishery regulations.*

- Threshold – 50,000 legal male crab
- Positive customary and traditional use finding
- Undetermined amount necessary for subsistence
- Fishery area
 - includes both subsistence and nonsubsistence areas
 - consider area of overlap between CI and PWS boundaries
- Seasons – July 15-March 15
- Pot limit – 2/person; no more than 2/vessel
- Bag and possession limit 5 crab/day
- Permit with reporting requirements
- Prohibit floating line on surface

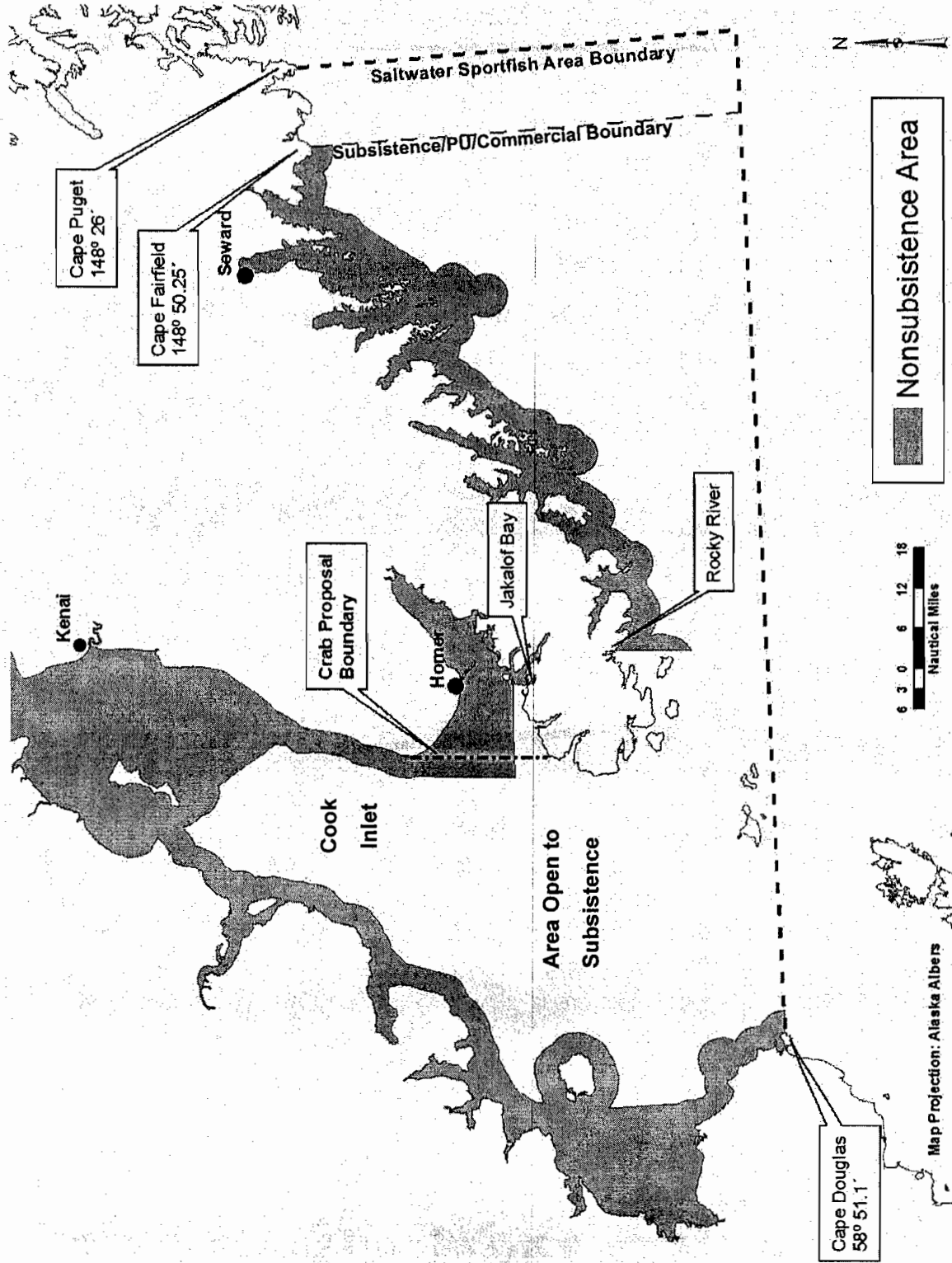


Figure 1. Cook Inlet map showing boundaries of importance for consideration of proposal # 359.

Table 1.-Sport and personal use effort directed at crab and sport and personal use harvests of crab in Cook Inlet reported on permits 1996 through 2002 (Estimates of harvest not expanded for non-reporting).

| Location | Effort | | Harvest | |
|----------------------------------|--------------|--------------|----------------------|-------------------|
| | Trips | Crabber- | Dungeness Numbers | Tanner Numbers |
| 1996 | | | | |
| Cook Inlet north of Anchor Point | 33 | | 12 | 300 |
| Cook Inlet remainder | 6 | | 0 | 0 |
| North Gulf Coast | 19 | | 15 | 6 |
| Kachemak Bay east of Homer Spit | 2,132 | | 7,337 | 2,495 |
| Kachemak Bay west of Homer Spit | 651 | | 341 | 9,112 |
| Unknown | 55 | | 167 | 146 |
| Total | 2,896 | | 7,872 | 12,059 |
| 1997 | | | | |
| Cook Inlet north of Anchor Point | 29 | 58 | 146 | 5 |
| Cook Inlet remainder | 30 | 65 | 42 | 791 |
| North Gulf Coast | 21 | 46 | 6 | 19 |
| Kachemak Bay east of Homer Spit | 1,674 | 3,057 | 6,977 | 2,856 |
| Kachemak Bay west of Homer Spit | 560 | 956 | 475 | 7,559 |
| Unknown | 34 | 68 | 128 | 146 |
| Total | 2,348 | 4,250 | 7,774 | 11,376 |
| 1998 | | | | |
| Cook Inlet north of Anchor Point | 13 | 17 | 40 | 0 |
| Cook Inlet remainder | 10 | 15 | 1 | 46 |
| North Gulf Coast | 3 | 4 | 0 | 0 |
| Kachemak Bay east of Homer Spit | 232 | 420 | 17 | 2,285 |
| Kachemak Bay west of Homer Spit | 850 | 1,144 | 58 | 13,386 |
| Unknown | 75 | 162 | 0 | 1,046 |
| Total | 1,183 | 1,762 | 116 | 16,763 |

-continued-

Table 1-(Continued).

| Location | Effort | | Dungeness | Tanner |
|----------------------------------|--------------|--------------|--------------------|---------------------|
| | Trips | Crabber- | Number Released | Number Harvested |
| 1999 | | | | |
| Cook Inlet north of Anchor Point | 5 | 5 | 0 | 0 |
| Cook Inlet remainder | 39 | 64 | 77 | 792 |
| North Gulf Coast | 10 | 10 | 0 | 0 |
| Kachemak Bay east of Homer Spit | 315 | 575 | 303 | 2,562 |
| Kachemak Bay west of Homer Spit | 783 | 1,066 | 1,176 | 13,102 |
| Unknown | 50 | 62 | 33 | 589 |
| Total | 1,202 | 1,782 | 1,589 | 17,045 |
| 2000 | | | | |
| Cook Inlet north of Anchor Point | 2 | 3 | 0 | 0 |
| Cook Inlet remainder | 12 | 23 | 50 | 204 |
| North Gulf Coast | 9 | 27 | 0 | 0 |
| Kachemak Bay east of Homer Spit | 258 | 419 | 453 | 2,216 |
| Kachemak Bay west of Homer Spit | 1,161 | 1,603 | 2,150 | 16,341 |
| Unknown | 76 | 107 | 149 | 911 |
| Total | 1,518 | 2,182 | 2,802 | 19,672 |
| 2001 | | | | |
| Cook Inlet north of Anchor Point | 2 | 2 | 0 | 0 |
| Cook Inlet remainder | 6 | 8 | 1 | 76 |
| North Gulf Coast | 2 | 4 | 0 | 0 |
| Kachemak Bay east of Homer Spit | 205 | 359 | 265 | 932 |
| Kachemak Bay west of Homer Spit | 719 | 1,114 | 1,180 | 5,374 |
| Unknown | 46 | 38 | 3 | 117 |
| Total | 980 | 1,525 | 1,449 | 6,499 |
| 2002 | | | | |
| Cook Inlet north of Anchor Point | 0 | 0 | 0 | 0 |
| Cook Inlet remainder | 2 | 2 | 10 | 10 |
| North Gulf Coast | 0 | 0 | 0 | 0 |
| Kachemak Bay east of Homer Spit | 94 | 179 | 214 | 530 |
| Kachemak Bay west of Homer Spit | 430 | 756 | 924 | 2,929 |
| Unknown | 15 | 10 | 0 | 105 |

Table 2. Sport and personal use Tanner crab harvests in Cook Inlet and the North Gulf Coast reported on permits 1996 through 2002 (estimates of harvest not expanded for non-reporting); Tanner crab harvests for the North Gulf Coast estimated from the Statewide Harvest Survey (SWHS) and bag/possession/pot limits.

| Year | Cook Inlet | | North Gulf Coast | | Kachemak Bay | | Unknown | TOTAL | Bag/possession limits | Personal/boat pot limits |
|------|--------------------|-----------|------------------|------------------|--------------------|--------------------|---------|--------|-----------------------|--------------------------|
| | N. of Anchor Point | Remainder | from permits | from SWHS | East of Homer Spit | West of Homer Spit | | | | |
| 1996 | 300 | 0 | 6 | 0 | 2,495 | 9,112 | 146 | 12,059 | 20/20 | 4/4 |
| 1997 | 5 | 791 | 19 | 94 ^a | 2,856 | 7,559 | 146 | 11,376 | 20/20 | 4/4 |
| 1998 | 0 | 46 | 0 | 0 | 2,285 | 13,386 | 1,046 | 16,763 | 20/20 | 4/4 |
| 1999 | 0 | 792 | 0 | 118 ^a | 2,562 | 13,102 | 589 | 17,045 | 20/20 | 4/4 |
| 2000 | 0 | 204 | 0 | 0 | 2,216 | 16,341 | 911 | 19,672 | 20/20 | 4/4 |
| 2001 | 0 | 76 | 0 | 0 | 932 | 5,374 | 117 | 6,499 | 5/5 | 1/2 |
| 2002 | 0 | 10 | 0 | 0 | 530 | 2,929 | 105 | 3,574 | 5/5 | 1/2 |

^a Estimate based upon only one respondent.

Table 3. Legal male Tanner crab abundance in Kamishak Bay determined from commercial harvests 1968-1988 and estimated from ADF&G standardized trawl surveys 1990-2007.

| Year | Abundance |
|---------------------------------------|-----------|
| 1968-69 | 12,060 |
| 1969-70 | 69,257 |
| 1970-71 | 526,471 |
| 1971-72 | 948,407 |
| 1972-73 | 3,269,478 |
| 1973-74 | 4,561,528 |
| 1974-75 | 2,091,889 |
| 1975-76 | 3,191,716 |
| 1776-77 | 1,717,827 |
| 1977-78 | 2,020,518 |
| 1978-79 | 2,639,435 |
| 1979-80 | 3,247,688 |
| 1980-81 | 1,709,466 |
| 1981-82 | 1,251,296 |
| 1982-83 | 1,647,660 |
| 1983-84 | 1,336,259 |
| 1984-85 | 1,493,723 |
| 1985-86 | 1,253,610 |
| 1987 | 1,081,069 |
| 1988 | 405,819 |
| 1989 | CLOSED |
| 1990 | 878,364 |
| 1991 | 616,190 |
| 1992 | 245,765 |
| 1993 | 310,310 |
| 1994 | 317,253 |
| 1995 | 297,999 |
| 1996 | 654,439 |
| 1997 | 601,860 |
| 1998 | 148,689 |
| 1999 | 110,211 |
| 2000 | 19,697 |
| 2001 | 49,341 |
| 2002 | 36,408 |
| 2003 | 62,071 |
| 2004 | 24,515 |
| 2005 | 61,414 |
| 2006 | 508,369 |
| 2007 | 54,115 |
| Average 1968-2007 (MSY ^a) | 1,038,742 |
| 50% of average (MSST ^a) | 519,371 |
| 10% of MMST | 51,937 |
| Average 2003-2007 | 142,097 |

^a MSY=Maximum Sustained Yield; MSST=Minimum stock size threshold for a commercial fishery.

PRINCE WILLIAM SOUND CRAB

Table 1. Sport and personal use harvests crab in Prince William Sound estimated from the Statewide Harvest Survey (SWHS).

| Year | KING CRABS | | DUNGENESS CRABS | | TANNER CRABS | |
|------|--------------------------|---------|--------------------------|---------|--------------------------|---------|
| | responses with catch > 0 | harvest | responses with catch > 0 | harvest | responses with catch > 0 | Harvest |
| 1994 | NA | 0 | NA | 1,273 | NA | 333 |
| 1995 | NA | 0 | NA | 25 | NA | 304 |
| 1996 | 0 | 0 | 0 | 0 | 3 | 137 |
| 1997 | 2 | 40 | 3 | 200 | 3 | 537 |
| 1998 | 3 | 72 | 2 | 51 | 3 | 189 |
| 1999 | 0 | 0 | 1 | 268 | 5 | 0 |
| 2000 | 2 | 0 | 6 | 0 | 1 | 0 |
| 2001 | 4 | 0 | 1 | 0 | 2 | 0 |
| 2002 | 0 | 0 | 1 | 0 | 0 | 0 |

NA=Not available

PRINCE WILLIAM SOUND KING CRAB

Considerations for Proposal # 361: Establish a personal use king crab fishery in Prince William Sound (PWS).

- Need a customary and traditional use determination
- Undetermined amount necessary for subsistence
- No harvestable surplus of red or blue king crabs
- Unknown harvestable surplus of golden king crab
- Fishery area
 - If fishery adopted recommend area west of 147°20.00' W. long.
- Season – as proposed
- Pot limit – 2/person; no more than 2/vessel
- Annual bag and possession limit of 3 crab/household
- Permit with reporting requirements
- Prohibit floating line on surface (similar to 5 AAC 77.509)

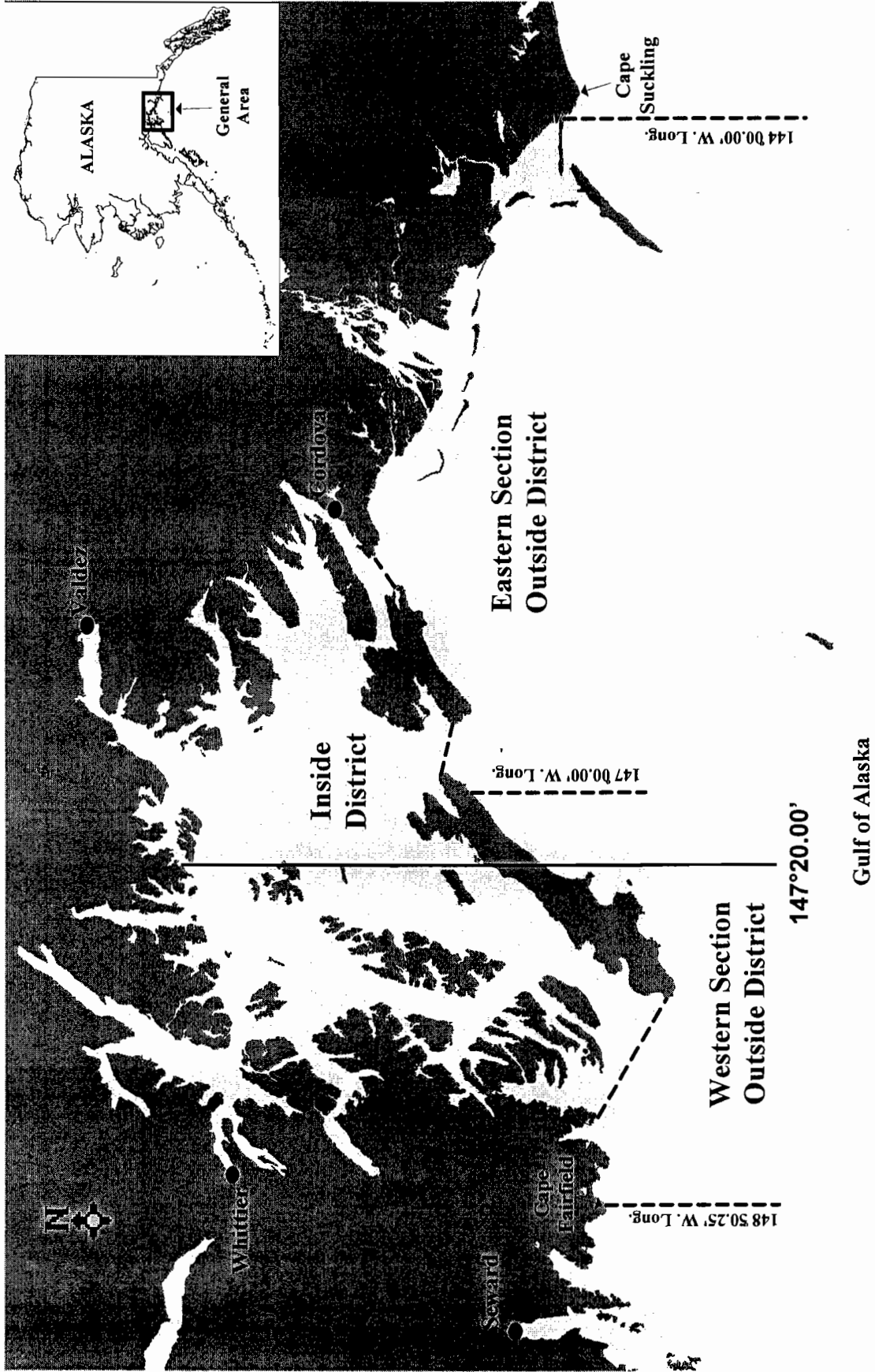


Figure 1. Prince William Sound Area showing the area west of 147°20.00 W. longitude for consideration of golden king crab fishery.

PRINCE WILLIAM SOUND TANNER CRAB

Considerations for Proposal # 363: Establish a personal use Tanner crab fishery in Prince William Sound (PWS).

- Need a customary and traditional use determination
- Undetermined amount necessary for subsistence
- Identified small harvestable surplus
- Fishery area
 - PWS includes both subsistence and nonsubsistence areas
 - Closure of important rearing areas
- Season – as proposed
- Pot limit – 2/person; no more than 2/vessel
- Bag and possession limit of 5 crab/day
- Permit with reporting requirements
- Prohibit floating line on surface

Table 1. Male Tanner crab abundance estimates from trawl surveys of core stations in the Northern (except Valdez Arm) and Hinchinbrook Districts of Prince William Sound, 1991–2007.

| Year | Size (mm) | Pre-4 | | Pre-3 | | Pre-2 | | | Pre-1 | | | Recruit | | | Post-recruit | | | Total |
|------|-----------|-----------|---------|---------|---------|---------|---------|--------|--------|-------|---------|---------|-----------|---------|--------------|-----|-------|-------|
| | | All | < 73 | All | 73–92 | New | Old | 93–112 | New | Old | 113–134 | New | Old | 135–157 | New | Old | > 157 | |
| 1991 | Abundance | 819,732 | 597,697 | 237,445 | 39,924 | 83,001 | 154,327 | 24,632 | 90,238 | 1,167 | 3,502 | 119,539 | 1,963,879 | | | | | |
| | 95% CI | 499,942 | 556,415 | 229,947 | 21,591 | 90,923 | 90,380 | 30,003 | 84,593 | 2,391 | 5,269 | 94,869 | 1,283,310 | | | | | |
| 1992 | Abundance | 601,197 | 280,805 | 347,506 | 84,635 | 136,697 | 146,578 | 8,875 | 49,042 | 915 | 1,738 | 60,571 | 1,593,606 | | | | | |
| | 95% CI | 180,032 | 236,540 | 214,806 | 38,809 | 57,025 | 60,848 | 6,872 | 32,335 | 1,793 | 2,379 | 34,186 | 522,912 | | | | | |
| 1993 | Abundance | 470,835 | 106,194 | 105,838 | 96,573 | 108,154 | 129,447 | 57,284 | 48,821 | - | 2,584 | 108,689 | 1,075,308 | | | | | |
| | 95% CI | 243,483 | 77,781 | 54,226 | 38,869 | 53,846 | 43,466 | 26,762 | 20,830 | - | 3,707 | 34,360 | 374,233 | | | | | |
| 1994 | Abundance | 669,186 | 79,919 | 34,622 | 88,999 | 21,152 | 161,834 | 4,989 | 49,388 | - | 998 | 55,375 | 1,111,087 | | | | | |
| | 95% CI | 420,605 | 48,840 | 23,013 | 33,035 | 12,633 | 59,551 | 6,962 | 22,580 | - | 1,956 | 22,686 | 467,940 | | | | | |
| 1995 | Abundance | 251,182 | 38,033 | 17,061 | 51,421 | 6,753 | 90,757 | - | 22,275 | - | - | 22,275 | 477,482 | | | | | |
| | 95% CI | 142,439 | 24,749 | 16,285 | 21,616 | 5,882 | 44,583 | - | 14,959 | - | - | 14,959 | 176,965 | | | | | |
| 1997 | Abundance | 209,014 | 55,608 | 34,123 | 16,235 | 10,208 | 22,651 | 1,750 | 8,944 | - | - | 10,694 | 358,533 | | | | | |
| | 95% CI | 116,889 | 33,038 | 15,339 | 9,338 | 6,309 | 17,720 | 2,393 | 7,733 | - | - | 9,929 | 151,268 | | | | | |
| 1999 | Abundance | 17,294 | 7,678 | 2,938 | 24,549 | 948 | 15,924 | - | 2,749 | - | 948 | 3,697 | 173,027 | | | | | |
| | 95% CI | 51,522 | 6,174 | 3,242 | 11,828 | 1,858 | 10,769 | - | 3,034 | - | 1,858 | 3,484 | 6,231 | | | | | |
| 2001 | Abundance | 1,362,743 | 405,778 | 180,832 | 42,360 | 30,237 | 28,815 | 3,791 | 2,844 | - | - | 6,635 | 2,057,399 | | | | | |
| | 95% CI | 459,552 | 232,409 | 144,850 | 23,247 | 23,272 | 16,469 | 5,830 | 3,134 | - | - | 6,456 | 758,905 | | | | | |
| 2003 | Abundance | 495,318 | 113,584 | 99,695 | 96,492 | 38,388 | 56,682 | 5,592 | 10,332 | - | - | 15,924 | 883,591 | | | | | |
| | 95% CI | 269,14 | 58,999 | 58,805 | 55,808 | 28,451 | 56,317 | 6,108 | 16,642 | - | - | 17,404 | 324,777 | | | | | |
| 2005 | Abundance | 279,90 | 80,568 | 82,179 | 60,473 | 50,142 | 67,298 | 17,914 | 10,142 | 948 | - | 29,004 | 649,566 | | | | | |
| | 95% CI | 170,91 | 55,821 | 63,290 | 48,666 | 37,377 | 49,250 | 15,478 | 13,039 | 1,858 | - | 24,999 | 282,982 | | | | | |
| 2007 | Abundance | 779,049 | 192,538 | 120,234 | 104,031 | 109,677 | 92,933 | 9,749 | 23,769 | - | - | 33,518 | 1,431,980 | | | | | |
| | 95% CI | 301,229 | 66,449 | 59,018 | 35,311 | 60,192 | 50,630 | 8,817 | 26,858 | - | - | 28,958 | 379,932 | | | | | |

Note: Biennial survey schedule adopted in 1995. No surveys conducted in 1996, 1998, 2000, 2002, 2004 and 2006.

Note: Confidence interval (CI) displayed as 95% is a plus or minus value to be added or subtracted from the estimate.

Table 2. Male Tanner crab abundance estimates from trawl surveys of core stations in the Valdez Arm Prince William Sound, 1999–2007.

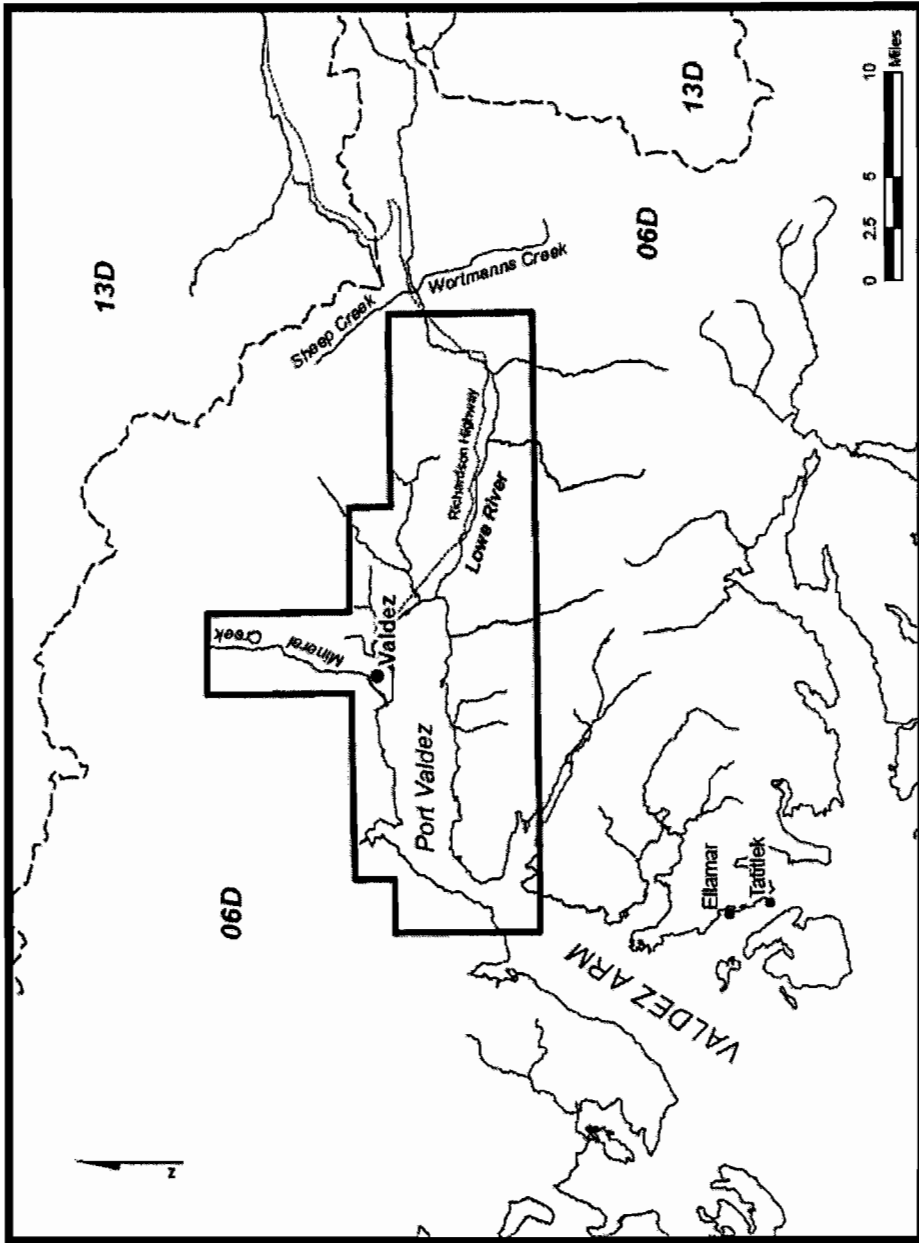
| Year | Shell Age | Pre-4 | | Pre-3 | | Pre-2 | | Pre-1 | | Recruit | | Post-recruit | | Legal Males | Total Males | |
|-------|-----------|---------|--------|--------|--------|--------|--------|-------|--------|---------|-------|--------------|-----|-------------|-------------|---------|
| | | All | < 73 | All | 73–92 | New | Old | New | Old | New | Old | New | Old | | | > 157 |
| 1999 | Abundance | 1,463 | - | 4,648 | - | 4,503 | 6,820 | 4,503 | 6,820 | 14,394 | 5,951 | 14,394 | - | 1,738 | 22,083 | 39,517 |
| (n=4) | 95% CI | 4,654 | - | 5,003 | - | 9,234 | 16,106 | 7,904 | 16,106 | 21,697 | 7,904 | 21,697 | - | 5,529 | 20,731 | 37,046 |
| 2001 | Abundance | 109,613 | 20,272 | 2,896 | 4,344 | - | 13,032 | - | 13,032 | 24,471 | - | 24,471 | - | 1,448 | 25,919 | 176,075 |
| (n=4) | 95% CI | 75,632 | 52,399 | 5,320 | 13,822 | - | 35,590 | - | 35,590 | 40,184 | - | 40,184 | - | 4,607 | 42,211 | 185,893 |
| 2005 | Abundance | 10,426 | 11,584 | 31,508 | 19,113 | 26,875 | 39,964 | 5,908 | 37,184 | 37,184 | 5,908 | 37,184 | - | 1,158 | 44,250 | 183,721 |
| (n=5) | 95% CI | 13,831 | 16,863 | 22,833 | 24,857 | 26,187 | 40,885 | 8,812 | 50,095 | 50,095 | 8,812 | 50,095 | - | 3,216 | 57,368 | 122,762 |
| 2007 | Abundance | 18,113 | 17,374 | 40,494 | 844 | 30,594 | 12,407 | 6,638 | 24,033 | 24,033 | 6,638 | 24,033 | - | - | 30,670 | 150,497 |
| (n=7) | 95% CI | 16,111 | 19,792 | 41,842 | 2,066 | 16,864 | 9,941 | 6,512 | 21,955 | 21,955 | 6,512 | 21,955 | - | - | 23,528 | 103,239 |

Note: Biennial survey schedule adopted in 1995. No surveys conducted in 2000, 2002, 2004 and 2006.

Note: For 2003 survey: n = 1 in Valdez Arm caught zero legal males and 6 sublegal males.

Note: Confidence interval (CI) displayed as 95% is a plus or minus value to be added or subtracted from the estimate.

Valdez Nonsubsistence Area



The Valdez Nonsubsistence Area is comprised of the following: within Unit 6(D), as defined by 5 AAC 92.450(6) (D), and all waters of Alaska in the Prince William Sound Area as defined by 5 AAC 24.100, within the March 1993 Valdez City limits.



- Legend**
- Nonsubsistence Area Boundary
 - GMU Boundary
 - Roads

Figure 1. Valdez Nonsubsistence Area..

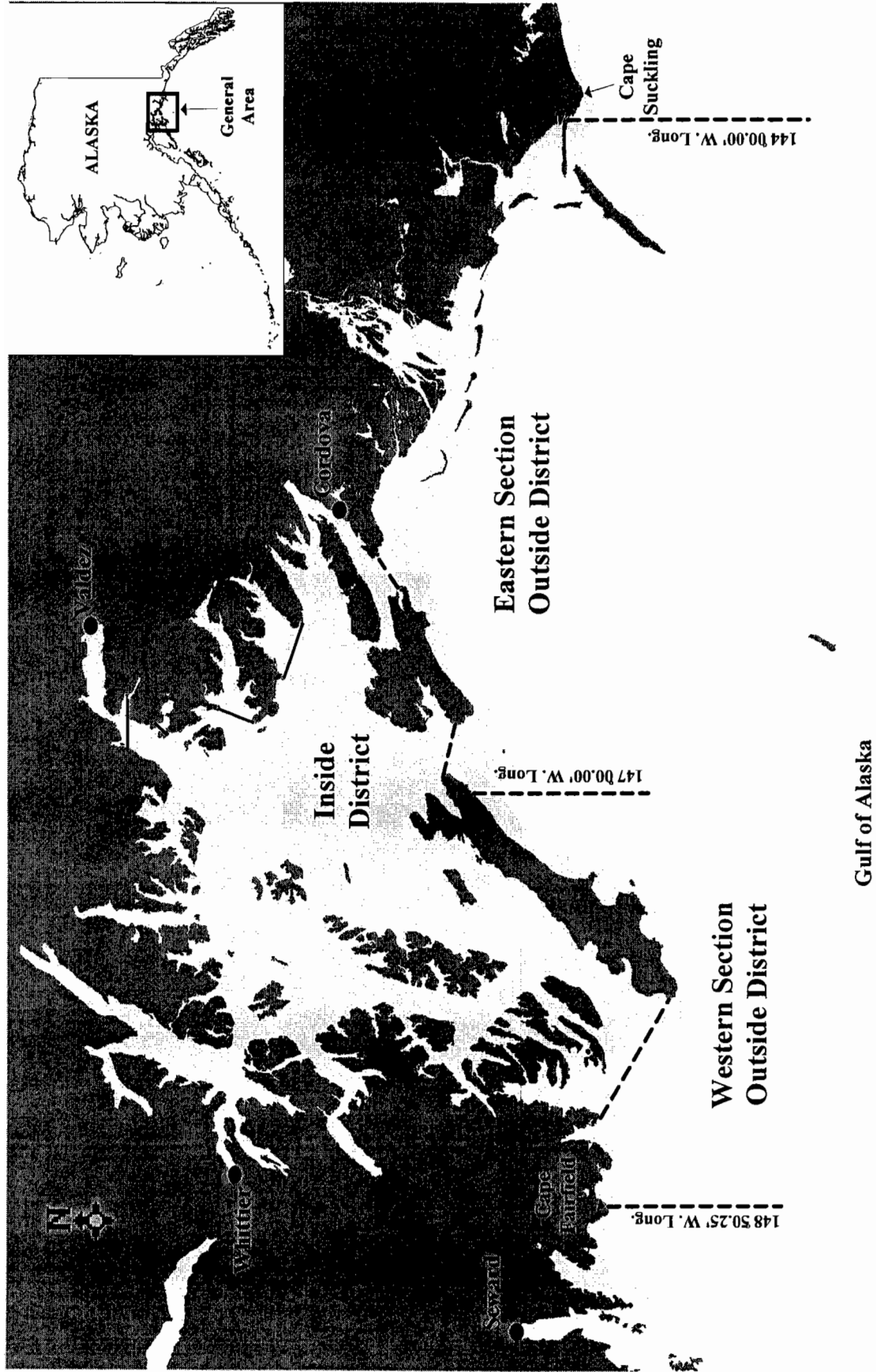


Figure 2. Prince William Sound core Tanner crab production areas to be considered for fjord refuge areas.

Testimony of Jeff Kauffman

General Manager MSDH

Before the Alaska Board of Fish and Game

March 3, 2008

Mr. Chairman, Members of the Board, my name is Jeff Kauffman. I am the General Manager of Multi-Species Development Holdings, LLC or MSDH, a wholly owned subsidiary of Central Bering Sea Fishermen's Association, St. Paul Island's community development group. MSDH manages many of CBSFA's commercial fishing assets.

I am here to speak in favor of Proposals 380 and 383 concerning the development of a Pribilof red king crab management plan and an increase in the harvest cap for the Aleutian Island Golden king crab fishery.

First, MSDH supports Proposal 380 submitted to this body by the Alaska Crab Coalition with the support of CBSFA and the City of Saint Paul. Proposal 380 requests that management measures and a harvest strategy be developed for the reopening of the Pribilof Red King Crab fishery.

As you are aware, Saint Paul has endured very challenging economic times ever since the opilio/snow crab stocks collapsed in 2000. Saint Paul undertook a number of actions to respond to this disaster and played an active role in the development of the Crab Rationalization Program and the community protections that it contains.

Based on what we have witnessed this season, it appears that the Crab Rationalization Program is finally working as intended. Local employment is up, harvesters are delivering to St Paul based processors, and the processors are processing about 350,000 lbs per day at the current time.

Concerning the Pribilof Red King Crab, Saint Paul understands and shares the concern of the ADF&G regarding the overlap between this healthy stock and the Pribilof Blue King Crab. In this regard, CBSFA has supported, with about \$165,000 and considerable staff time, a collaborative effort led by the University of Alaska, the harvesting sector, and other CDQ groups to

rehabilitate the Pribilof Blue King Crab Fishery. CBSFA hopes that this research will, in due course, answer many of the questions concerning the health of the Blue King Crab's biomass, allow for rehabilitation of this stock, and eventually lead to the reopening of the fishery.

We believe that with the efficiencies and consolidation secured in the Crab Rationalization Program, the Red King Crab fishery can be pursued with minimal impacts on the Blue King Crab stocks and are willing to work with the BOF and ADF&G to put into place all the safeguards necessary to minimize Pribilof blue king crab bycatch – including observer coverage on all vessels, strict bycatch limits, and electronic catch reporting.

Reopening the Red King Crab fishery would represent an additional boost to St Paul's local economy and CBSFA which owns 100% of this fishery's CDQ quota.

I would also like to testify in support of proposal 383 concerning the golden king crab fishery. CBSFA and MSDH have important investments in this fishery that would benefit from an increase in the harvest level. We own 30% of the F/V Early Dawn, one of the 7 or 8 vessels participating in the rationalized Eastern Golden king crab fishery. Between our CDQ and IFQ, we hold 6.85% of the Eastern Aleutian golden king crab quota. In the western district we own 1.06% of the quota. As mentioned in my letter of support for proposal 383 sponsored by Mr. Henkel, our vessel have also realized significant increases in CPUE and declines in bycatch and mortality of smaller crab resulting from longer soak times and the use of larger mesh on the pots. We think the rationalized Aleutian Island Golden king crab fishery is deserving of analysis to show whether or not it can sustain a harvest cap increase.

Finally, I would like to submit my name for consideration to serve on Committee A. As a representative for St Paul and the local CDQ group I believe I would bring a unique perspective to this Committee.

Thank You.

**Board of Fisheries
March 3-9, 2008
King and Tanner Crab, Supplemental Issues Finfish meeting**

Public testimony list

| <u>Name</u> | <u>Representing</u> | <u>Topics, AC#, PC#, RC#</u> |
|------------------------|------------------------------------|--------------------------------|
| 1 Don Fox | Self | 366, 367, 402-405 |
| 2 Rob Scheer | Experience Alaska Tours | Tourism/Educational permits |
| 3 Frank Kelty | Unalaska/Dutch Harbor AC | 368-386, 402, 403, 405 |
| 4 Jeff Steele | Self | 370-371-376-377-379 |
| 5 Mike Stanley | Golden King Crab Harvester's Ass'n | 382-384 |
| 6 Roy Ashenfelter | Northern Northern Sound AC/self | 387-391, RC10 |
| 7 Shawn Dochtermann | Self | Proposals 374-378, 380-383 |
| 8 Charlie Lean | Norton Sd Econ Dev Corp | NS King Crab Props 387-391 |
| 9 Lynn Langford Walton | Aleutian Ballad LLC | Tour fishing, ecotourism |
| 10 Oliver Holm | Self | Proposals 366,367 |
| 11 Steve Miner | Pacific NW Crab Ind. AC | RC19 |
| 12 Arni Thomson | Alaska Crab Coalition | BSAI crab proposals |
| 13 Dick Powell | Self | Proposals 382, 383, 384 |
| 14 Linda Kozak | Self | BSAI Proposals 382-4 |
| 15 Jim Stone | Pribilof King Crab Harvesters | Proposal 380 |
| 16 Leonard Herzog | Self | Proposal 381, pot limit issues |
| 17 Rip Carlton | Self (and Norton Sound CDQ | Proposal 383 |
| 18 Wes Jones | Self | Norton Sound Crab Proposals |
| 19 Bing Henkel | Self and SIFG | Proposal 383 |
| 20 Chad Hoefler | Self | RC 23 |
| 21 Jeff Kauffman | Multi-species Dev't, Holdings LLC | Proposals 380, 383 |
| 22 Nick Jackson | Self/Ahtna Subsistence Committee | misc. business |
| 23 Gloria Stickwan | Self | Non-subsistence areas |
| 24 Linda Tyone | Ahtna | Non-subsistence areas |
| 25 Dianne Dubuc | Seward AC | RC 20 |
| 26 Dick Tremaine | NSEDC | All Golden King Crab |
| 27 Art Ivanoff | Southern Norton Sound AC | Proposals 387-391 |
| 28 Doug Wells | Baranoff and Courageous | Eastern Bering Sea Bairdii |

Q & A: Fishing for Pacific cod crab bait in the Bering Sea/Aleutian Islands
 NMFS Comments for Board of Fisheries, Committee A – March 4, 2008

General Notes: If you are fishing for Pacific cod bait in Federal water or State of Alaska waters and you have a Federal Permit on your vessel, you need to meet certain Federal requirements. If you are fishing in State of Alaska waters without a Federal Permit on your vessel, you are not subject to these requirements, but are still subject to State regulations. Nothing specifically prohibits fishing for bait, but it is still subject to Federal management with the following requirements.

| | |
|---|---|
| Is it legal under Federal regulations to fish for Pacific cod as bait? | Yes, but there are licensing and reporting requirements that must be met. There are two basic ways you can fish for bait, you can fish for bait for your personal use (personal use bait), or you can catch bait for sale to other crab fishermen (commercial bait). Different regulations apply if you are fishing bait for personal use or commercially. |
| When can you fish for Pacific cod as bait? | Pacific cod can be taken as personal use bait throughout the year as long as Pacific cod is allowed to be retained. NMFS posts Pacific cod closures and on its website (www.fakr.noaa.gov) and as long as Pacific cod is not listed as a “prohibited species catch” it can be retained for personal use bait. There are limits on when you can directed fish and catch Pacific cod for use as commercial bait. You are limited to commercially fish for bait during the season for directed fishing for Pacific cod using pot gear. NMFS posts the directed fishery seasons for Pacific cod pot gear on its website. |
| Are there areas where you can't fish for Pacific cod bait? | Yes, there are some limited areas where Pacific cod cannot be caught as bait. These limits are required under Steller sea lion protection measures and are described on NMFS' website. |
| Is the use of bait considered when setting the total allowable catch for Pacific cod each year? | Sort of. Not all of the catch of Pacific cod as bait is recorded and reported. Commercial bait must be reported under Federal reporting requirements. Personal use bait is not required to be reported and is not specifically tracked by NMFS or ADF&G observers onboard vessels. Bait catch is known to occur and is informally considered by NMFS scientists when setting the total allowable catch. |
| If you catch Pacific cod for bait is that catch deducted from the TAC assigned to pot gear? | Yes for commercial bait use. Personal use bait is not deducted from the TAC for pot gear. |
| Is a License Limitation Program (LLP) license required? | Yes, if you are directed fishing for groundfish, including Pacific cod, in the Bering Sea/Aleutian Islands you are required to have a groundfish LLP. (50 CFR 679.4(k)(1). You are considered “directed fishing” if you retain more Pacific |

| | |
|--|---|
| | <p>cod than a specific percentage of the total groundfish (e.g., pollock, flatfish, but not crab) onboard your vessel (50 CFR 679.2 "Directed Fishing"). If the only groundfish you have on your vessel is Pacific cod, you are directed fishing for Pacific cod. If all you do is fish for Pacific cod for bait, you are directed fishing and need a non-trawl LLP for the area you are fishing.</p> |
| <p>Do you need to have a Pacific cod endorsement on your LLP if you fish for bait?</p> | <p>Yes, if you are fishing for commercial bait.</p> <p>No, if you are fishing for personal use bait. (50 CFR 679.4(k)(9)(iv)(C))</p> |
| <p>Are there Federal regulations that restrict the type of pot gear that you can use to fish bait?</p> | <p>Not specifically, but if you are fishing for commercial bait you need an LLP that is specific for that gear type (trawl or non-trawl) and has a Pacific cod endorsement.</p> |
| <p>Do you have to report your catch of bait through Federal Recordkeeping and Reporting?</p> | <p>Yes, if you are fishing for commercial bait.</p> <p>No, if you are fishing for personal use bait using: (1) a catcher vessel (<u>not</u> a catcher/processor); (2) pot gear; and (3) during the crab fishing season. For red king crab this year that season is from October 15, 2007 through January 15, 2008. (50 CFR 679.4(a)(1)(iii)(B)).</p> |

2041



United States Department of the Interior

U.S. FISH AND WILDLIFE SERVICE
Office of Subsistence Management
3601 C Street, Suite 1030
Anchorage, Alaska 99503

FWS/OSM/Error RC#1

Mr. Mel Morris, Chairman
Alaska Department of Fish and Game
Board of Fisheries
1255 West 8th Street
P.O. Box 25526
Juneau, Alaska 99802-5526

March 5, 2008

Dear Chairman Morris:

I want to notify the Alaska Board of Fisheries of an error in its March 3-9, 2008 meeting materials located in the Proposals Section of RC 1. In RC 1 it states that the U.S. Fish and Wildlife Service opposes Proposals 359-391, this is not correct. The U.S. Fish and Wildlife Service, Office of Subsistence Management, working with other Federal agencies, has reviewed these proposals, but did not take a position on or provide any recommendations for any of the proposals before you during this meeting.

The U.S. Fish and Wildlife Service, Office of Subsistence Management, would appreciate Board members, Alaska Department of Fish and Game staff, and the public to consider this information during this meeting.

Sincerely,

Rodney D. Campbell
State Fishery Liaison

ENC:

CC: Peter J. Probasco, Assistant Regional Director, OSM



United States Department of the Interior

U.S. FISH AND WILDLIFE SERVICE
Office of Subsistence Management
3601 C Street, Suite 1030
Anchorage, Alaska 99503

OSM/BOF SW/8022/RC

FEB 14 2008

Mr. Mel Morris, Chairman
Alaska Board of Fisheries
c/o Alaska Department of Fish and Game
1225 West 8th Street
P.O. Box 25526
Juneau, Alaska 99802-5526

Dear Chairman Morris,

At its upcoming meeting scheduled to begin March 3, 2008, the Alaska Board of Fisheries will deliberate 2007/2008 regulatory proposals that address King and Tanner Crab (statewide except Southeast/Yakutat) and Supplemental Issues. We understand that the Alaska Board of Fisheries will be considering approximately 32 proposals at this meeting.

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

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

Sincerely,

Peter J. Probasco
Assistant Regional Director

CC: Denby S. Lloyd, ADF&G, Juneau
Michael Fleagle, Chair FSB
John Hilsinger, ADF&G, Anchorage
Tina Cunning, ADF&G, Anchorage
Patti Nelson, ADF&G, Juneau
Charlie Swanton, ADF&G, Juneau
Elizabeth Andrews, ADF&G, Juneau

Jim McCullough, ADF&G, Kodiak
Jeff Regnart, ADF&G, Anchorage
Gene Sandone, ADF&G, Anchorage
Wayne Donaldson, ADF&G, Kodiak
George Pappas, ADF&G, Anchorage
Jim Marcotte, ADF&G, Juneau
Interagency Staff Committee

- (1) A person may not engage in sport fishing on the Kenai River from an anchored vessel unless the anchor is holding the vessel in a substantially fixed position relative to the bottom of the river.
 - a. If the anchor should fail to hold the vessel in a substantially fixed position relative to the bottom of the river during sport fishing activities, all persons aboard the vessel must immediately cease sport fishing and the anchor must be retrieved or actions taken to cause the anchor to again hold the vessel in a substantially fixed position relative to the bottom of the river prior to resuming sport fishing.

Prepared by Alaska Dept. Fish & Game

Alaska Board of Fisheries Committee Report

COMMITTEE D

Supplemental Issues

March 4, 2008

Board Committee Members:

1. Mel Morris, *Chair
2. Bonnie Williams
3. Vince Webster

Alaska Department of Fish and Game Staff Members:

1. Tom Vania
2. Rob Bentz
3. Matt Miller
4. Dave Rutz
5. Al Cain
6. Kerri Tonkin
7. John Hilsinger
8. Charlie Trowbridge
9. Paul Salomone
10. Jim McCullough
11. Nicholas Sagalkin– Note taker
12. Tom Taube – Note taker

Advisory Committee Members:

Oliver Holm – Kodiak AC

Public Panel Members:

1. Jim Stone
2. Reuben Hanke

Federal Subsistence Representative:

1. none

The Committee met March 4 at 2:35 p.m. and adjourned at 3:25 p.m.

PROPOSALS BEFORE THE COMMITTEE WERE (8 total): A, B, 72, 401, 404, 402, 403, 405

PROPOSAL A. – 5 AAC 57.121. Special provisions and localized additions and exceptions to the seasons, bag, possession, and size limits, and methods and means for the Lower Section of the Kenai River Drainage Area; and 5 AAC 57.122. Special provisions and localized additions and exceptions to the seasons, bag, possession, and size limits, and methods and means for the Middle Section of the Kenai River Drainage Area. Prohibit dragging an anchor while sport fishing on the Kenai River.

Staff Reports: None.

Staff Comments: RC 11

AC Reports: None.

Timely Public Comment: None.

Record Comments: None.

Narrative of Support and Opposition:

- Department stated that this proposal would prohibit back-trolling methods that use a drift anchor. Fishing from an anchored vessel is a commonly used technique, there is a potential for damage (immeasurable) to river bottom.
- Data search of most studies on marine floor and coral reefs, Minnesota prohibits dragging anchor by powerboat through aquatic vegetation. Department recognizes impacts, does not know the extent of impacts or the number of anglers using method.

Support:

- Problem beginning to develop with the drift boat fishery, inexperienced drifters use anchor to slow boat in current and reduce amount of rowing.
- Concern regarding potential increasing problem (use of other more destructive material other than anchors), this proposal is a pre-emptive strike to prevent increased damage.

Opposition:

- No proposal in proposal book.
- No public process involvement.
- No known biological reason.

SSFP: Not discussed.

POSITIONS AND RECOMMENDATIONS

ADF&G Position: Opposed.

AC Positions: None.

Public Panel Recommendation: No recommendation.

Board Committee Recommendation: Consensus to support with substitute language.

Substitute Language: See below.

Substitute Language for Proposal A:**5 AAC 57.120. General provisions for seasons, bag, possession, and size limits, and methods and means for the Kenai River Drainage Area.**

(X)(A) A person may not engage in sport fishing on the Kenai River from an anchored vessel unless the anchor is holding the vessel in a substantially fixed position relative to the bottom of the river.

(i) If the anchor should fail to hold the vessel in a substantially fixed position relative to the bottom of the river during sport fishing activities, all persons aboard the vessel must immediately cease sport fishing and the anchor must be retrieved or actions taken to cause the anchor to again hold the vessel in a substantially fixed position relative to the bottom of the river prior to resuming sport fishing.

PROPOSAL B. – 5 AAC 61.112 (5)(E). Special provisions and localized additions and exceptions to the seasons, bag, possession, and size limits, and methods and means for Unit 1 of the Susitna River Drainage Area. Repeal bag and possession limit for northern pike in Alexander Lake.

Staff Reports: None.

Staff Comments: RC 11

AC Reports: None.

Timely Public Comment: None.

Record Comments: None.

Narrative of Support and Opposition:

- Department stated that current Susitna River drainage regulations are very liberal for northern pike. At 1998 BOF meeting, public expressed desire to maintain large northern pike in fisheries. Removal of big pike results in stunted, small pike which prey on salmonid smolt (big pike are cannibalistic). Slot limit study ongoing for Alexander Lake (revisit in 2008 & 2009). Current Alexander Creek regulations are liberal, no limit. At the next Cook Inlet meeting results of Alexander Lake study will be available.

Support:

- None

Opposition:

- None

SSFP: Not discussed.

POSITIONS AND RECOMMENDATIONS

ADF&G Position: Opposed.

AC Positions: None.

Public Panel Recommendation: No recommendation.

Board Committee Recommendation: Consensus to oppose.

Substitute Language: None.

PROPOSAL 72. – 5 AAC 64.060. Kodiak Area Salt Water King Salmon Sport Fishery Management Plan. Create an exclusive use area for saltwater sport fishing charter operations in the Kodiak area.

Staff Reports: None.

Staff Comments: RC 11

AC Reports: None.

Timely Public Comment: None.

Record Comments: RC 27

Narrative of Support and Opposition:

- Portions of Kodiak area that is not used by Kodiak operators unknown.
- Department stated that a statewide super exclusive program would cost \$60-65K/year to track boats
- Specific data on effect of proposal being adopted listed in RC 27.
- Dept. of Law determined that Board has authority to create a super exclusive area, but should not base their decision on halibut.
- Charter logbooks reported a king salmon harvest of 12 fish in 2006 and 8 fish in 2007.

Support:

- Current system has generated conflicts between Kodiak and outside charter boat operators.
- Desire for stable group of charter operators committed to Kodiak, this group would be better able to deal with possible future restrictions to charter fleet.

Opposition:

- Adoption will lead to a statewide registration system that will cause conflicts at every board meeting.

POSITIONS AND RECOMMENDATIONS

ADF&G Position: Neutral

AC Positions: Kodiak AC supports superexclusive charter boat area

Public Panel Recommendation: No recommendation

Board Committee Recommendation: Substitute language with no consensus.

Substitute Language: See below.

Substitute language for Proposal 72:**5 AAC 64. XXX. Super-exclusive registration for marine water guided sport vessels and services.**

(a) A person who provides sport fishing guide services in the marine waters of the Kodiak Area, excluding the waters of the Mainland District, as described in 5 AAC 18.200(g), at any time from January 1 through July 31, may not provide or have provided sport fishing guide services in any other marine waters in Alaska during that same calendar year.

(b) A vessel used in provision of sport fishing guide services in the marine waters of the Kodiak Area, excluding the waters of the Mainland District, as described in 5 AAC 18.200(g), at any time from January 1 through July 31, may not be used or have been used in the provision of sport fishing guide services in any other marine waters of Alaska during that same calendar year.

(c) A marine water guided vessel must be registered with the local area department office before being used in the provision of sport fishing guide services at any time from January 1 through July 31 in the area described in (a) of this section.

(d) A person must register with the local area department office before providing marine water sport fishing guide services in the marine waters of the Kodiak Area, excluding the waters of the Mainland District, as described in 5 AAC 18.200(g), at any time from January 1 through July 31.

PROPOSAL 401. – 5 AAC 52.065. Upper Copper River and Upper Susitna River Area Stocked Waters Management Plan and 5 AAC 70.065. Arctic-Yukon-Kuskokwim Region Stocked Waters Management Plan. Amend these management plans to provide the department the emergency order authority to reduce bag limits, institute catch and release, or modify methods and means in stocked waters during times of reduced hatchery production.

Staff Reports: None.

Staff Comments: RC 11

AC Reports: None.

Timely Public Comment: None.

Record Comments: RC 30

Narrative of Support and Opposition:

- When the current management plans were adopted in 2004, the department did not believe that the aging hatchery facilities and lack of warm water would reduce hatchery production the current levels and there was uncertainty whether an EO could be used on stocked waters. As a result, EO authority was not included in the original plan. During low hatchery production the ability to modify bag limits and method and means will allow the department to maintain adequate numbers and size in fish in interior stocked lakes. In 2006 and 2007, Anchorage area stocked water bag limits and methods and means were reduced by EO.

Support:

- Housekeeping proposal

Opposition:

- None

POSITIONS AND RECOMMENDATIONS

ADF&G Position: Support.

AC Positions: None.

Public Panel Recommendation: No recommendation.

Board Committee Recommendation: Consensus to support.

Substitute Language: None.

PROPOSAL 404. – 5 AAC 06.200, 5 AAC 06.366. Clarify western boundary of Ugashik District

Staff Reports: None.

Staff Comments: RC 11

AC Reports: None.

Timely Public Comment: None.

Record Comments: RC 25.

Narrative of Support and Opposition:

- Discussion occurred on the boundaries in the Ugashik District in Bristol Bay. The Board adopted a proposal at the 2006 Bristol Bay Finfish meeting in Dillingham which changed the northern line of the district. When the changes were subsequently put into regulation the new points describing the northwestern corners of the full district and the reduced district were incorrectly plotted. This proposal seeks to correct that error and establish the boundaries of the full Ugashik District and the reduced area in their proper place. (note: the reduced district is utilized to minimize interception of fish bound for other districts within Bristol Bay when conservation concerns for sockeye salmon exist in neighboring districts. See map.)

Support:

- Housekeeping proposal

Opposition:

- None

SSFP: Not discussed.

POSITIONS AND RECOMMENDATIONS

ADF&G Position: Neutral.

AC Positions: None.

Public Panel Recommendation: No recommendation.

Board Committee Recommendation: Consensus to support with substitute language.

Substitute Language: See below.

Substitute Language for Proposal 404

The full district is described in

5 AAC 06.200 “Fishing Districts, Subdistricts and Sections.

(d) Ugashik District: all waters south of a line from Cape Greig at 57° 43.54 N 157° 41.82 W to a point approximately one mile offshore at 57° 43.54 N [157° 43.70 W] 157° 43.809W then east of a line from 57° 43.54 N [157° 43.55 W] 157° 43.809W to Cape Menshikof at 57° 28.34 N 157° 55.84 W” .

The reduced district is described in

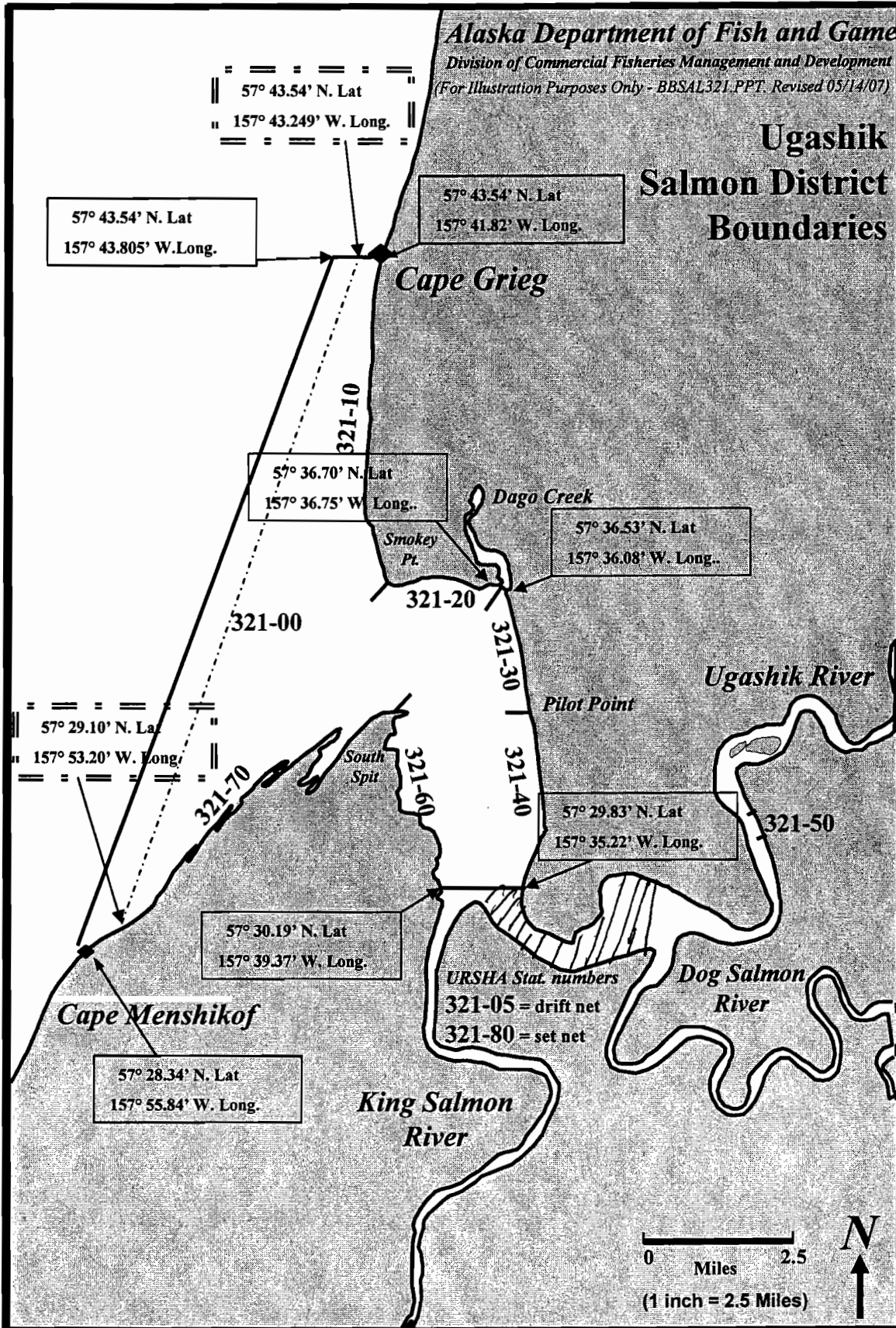
5 AAC 06.366 “ The Ugashik District Set and Drift Gillnet Sockeye Salmon Fisheries Management and Allocation Plan.

(f) (2) When the Naknek River Special Harvest Plan under 5 AAC 06.360 is also in effect, the Ugashik District boundary will consist of all waters south of a line between [57° 43.90 N 157° 43.00 W] 57° 43.54 N 157° 43.249W and 57° 43.54 N 157° 41.82 W, and east of a line between [57° 43.90 N 157° 43.00 W] 57° 43.54 N 157° 43.249W and 57° 29.10 N 157° 53.20 W until June 29; on June 29 the Ugashik boundary will be restored to it’s original boundary specified in 5AAC 06.200 (d)”.

#

Alaska Department of Fish and Game
Division of Commercial Fisheries Management and Development
(For Illustration Purposes Only - BBSAL321.PPT. Revised 05/14/07)

Ugashik Salmon District Boundaries



PROPOSAL 402. – 5 AAC 38.xxx. New Section. Develop new management measures to prevent overharvest and ensure accurate accounting, biological sampling and enforcement of state-waters scallop harvest.

Staff Reports: RC 2, Oral Tab 6, Written Tab 16

Staff Comments: RC 2, Tab 22

AC Reports: None.

Timely Public Comment: PC 5, 8.

Record Comments: RC 12, 13, 18, 34.

Narrative of Support and Opposition:

- Legislature currently considering various forms of law that may affect the vessel-based limited entry. Public panel suggests waiting to see outcome of legislation.

Support:

- None

Opposition:

- Table proposal until October 2008 work session to see if legislature extends sunset clause.

SSFP: Not discussed.

POSITIONS AND RECOMMENDATIONS

ADF&G Position: Support.

AC Positions: Kodiak Advisory Committee supports the department's draft management plan.

Public Panel Recommendation: Defer to October work session

Board Committee Recommendation: Tabled to October work session.

Substitute Language: None.

PROPOSAL 403. – 5 AAC 18.360. Definitions. Update definitions to include Dark Rockfish (*S. ciliatus*):

Change the common name for *Sebastes ciliatus* from dusky to dark rockfish. A new species will be added *Sebastes variabilis*, commonly known as dusky rockfish.

Staff Reports: None

Staff Comments: RC 2, Tab 22

AC Reports: None.

Timely Public Comment: None

Record Comments: None

Narrative of Support and Opposition:

- Housekeeping proposal to update definitions to reflect splitting of dusky rockfish into dark rockfish and dusky rockfish.

Support:

- None

Opposition:

- None

SSFP: Not discussed.

POSITIONS AND RECOMMENDATIONS

ADF&G Position: Support

AC Positions: The Kodiak Advisory Committee supports.

Public Panel Recommendation: Consensus to support.

Board Committee Recommendation: Consensus to support with substitute language.

Substitute Language:

5 AAC 39.975. Definitions. (37) (A) *S. ciliatus* (~~Dusky~~/Dark) **(F) *S. variabilis* (Dusky)**

5 AAC 75.995. Definitions. (47) “pelagic rockfish” includes **dark** [dusky] (*S. ciliatus*) **dusky** (*S. variabilis*)

PROPOSAL 405. – 5 AAC 28.055. Seabird Avoidance Measures in Groundfish Fisheries.

Staff Reports: None

Staff Comments: RC 2, Tab 22

AC Reports: None

Timely Public Comment: None.

Record Comments: RC 18, 34.

Narrative of Support and Opposition:

- The department supports revising avoidance measures for coordination with federal regulations.

Support:

- This is a housekeeping proposal.

Opposition:

- None

SSFP: Not discussed.

POSITIONS AND RECOMMENDATIONS

ADF&G Position: Support.

AC Positions: The Kodiak Advisory Committee supports.

Public Panel Recommendation: Consensus to support.

Board Committee Recommendation: Consensus to support and to direct department to make this a permanent regulation.

Substitute Language: None

Alaska Board of Fisheries Committee Report

COMMITTEE A

Bering Sea King and Tanner Crab
March 4 and 5, 2008

Board Committee Members:

1. John Jensen, *Chair
2. Howard Delo
3. Larry Edfelt

Alaska Department of Fish and Game Staff Members:

1. Forrest Bowers – BSAI Area Management Biologist
2. Wayne Donaldson – Westward Region Management Biologist
3. David Barnard – Crab Observer Database Biometrician
4. Skip Gish – Bering Sea/Aleutian Islands Shellfish Research Biologist
5. Herman Savikko – FMP Coordinator
6. Doug Pengilly – Westward Region Shellfish Groundfish Research Biologist
7. Patty Nelson – Deputy Director of Commercial Fisheries
8. Mary Schwenzfeier – Observer Program Coordinator
9. Jim McCullough - Westward Regional Supervisor
10. Al Cain – Criminal Justice Planner
11. Krista Milani – Note taker
12. Barbi Failor-Rounds – Note taker

Advisory Committee Members:

1. Frank Kelty – Unalaska/Dutch Harbor Advisory Committee

Public Panel Members:

1. Jeff Steele – Bering Hunters LLC
2. Lance Farr – Kevleen K
3. Kevin Kaldestad – Mariner Co-op
4. Jeff Kauffman – CBSFA/MSDH St. Paul
5. Glenn Merrill – National Marine Fisheries Service
6. Leonard Herzog – Tempo Sea
7. Jim Stone – Pribilof Red King Crab Harvesters
8. Doug Wells – MV Baranof
9. Arni Thompson – A.C.C.

The Committee met on March 4 at 2:45 pm and adjourned on March 5 at 10:45 am

PROPOSALS BEFORE THE COMMITTEE WERE (14 total): 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381

PROPOSAL 368. – 5 AAC 39.690. Bering Sea/Aleutian Islands King and Tanner Crab Community Development Quota (CDQ) Fisheries Management Plan. Allow transfer of CDQ quota after harvesting has occurred.

Staff Reports: RC 2, Oral Tab 1, 4, Written Tab 10, 11

Staff Comments: RC 2, Tab 22 pg 1-2

AC Reports: RC 1, Advisory Committee Comment Tab

Timely Public Comment: RC 1, Public Comment Tab

Record Comments: RC 39

Narrative of Support and Opposition:

Department: Supported because the new regulation would mirror NMFS IFQ fishing regulations and would be in compliance with the Magnuson-Stevens Fishery Conservation and Management Act.

Department of Law noted that CDQ group allocations are set by NMFS and the BOF does not have the authority to change CDQ allocations.

NMFS clarified that the IFQ transfer is set up so that an additional trip can't be started until the account is balanced. This keeps vessel operators from running up a negative balance.

Support:

- Approved for IFQ fishing already, would make CDQ fishery consistent.

Opposition:

- None

POSITIONS AND RECOMMENDATIONS

ADF&G Position: Support.

AC Positions: Support.

Public Panel Recommendation: Consensus to support.

Board Committee Recommendation: Consensus to support with substitute language.

Substitute Language:

5 AAC 39.690. Bering Sea/Aleutian Islands King and Tanner Crab Community Development Quota (CDQ) Fisheries Management Plan.

(e)(6)(D) a person operating a vessel in a CDQ fishery may not exceed the CDQ group allocation specified in this paragraph; [ALL] a CDQ group that retains crab [TAKEN] in excess of the CDQ group allocation [SHALL BE] may have quota voluntarily transferred to them from an eligible CDQ group no later than June 30 of the current allocation year. If a CDQ group is unable to obtain quota for the excess crab then the crab shall be weighed, sold, and reported on an ADF&G fish ticket and all proceeds from the sale of CDQ crab in excess of the group allocation shall be surrendered to the state.

PROPOSAL 369. – 5 AAC 39.645 (d)(4)(D)(ii). Shellfish Onboard Observer Program. Allows the department to select between 30 percent and 100 percent of vessels fishing for directed Tanner crab to carry observers.

Staff Reports: RC 2, Oral Tab 1, 4, Written Tab 10, 11

Staff Comments: RC 2, Tab 22 pg 3-4

AC Reports: RC 1, Advisory Committee Comment Tab

Timely Public Comment: RC 1, Public Comment Tab

Record Comments: RC 39

Narrative of Support and Opposition:

Department: Supported because it would allow the department more flexibility in deploying observers on Tanner crab vessels.

Support:

- None

Opposition:

- None

POSITIONS AND RECOMMENDATIONS

ADF&G Position: Support.

AC Positions: Support.

Public Panel Recommendation: Consensus to support.

Board Committee Recommendation: Consensus to support with substitute language.

Substitute Language:

5 AAC 39.645. Shellfish Onboard Observer Program (d)(4)(D)(ii). during harvest of 30 percent of the total *C. bairdi* Tanner crab weight harvested on each catcher vessel while operating fishing gear during each registration year, **or the department may randomly select between 30 percent and 100 percent of the catcher vessels engaged in directed harvest of *C. bairdi* Tanner crab to carry onboard observers for 100 percent of the fishing time of each selected catcher vessel,** unless a catcher vessel harvests *C. bairdi* Tanner crab as incidental catch during directed fishing for either Bristol Bay red king crab or Bering Sea [*C. OPILIO*] snow crab, where observer coverage requirements for those directed fisheries would apply to the [*C. BAIRDI*] Tanner crab incidental harvest;

PROPOSAL 370. – 5 AAC 34.606 (b). Area O Registration.; 5 AAC 34.806 (b). Area T Registration.; 5 AAC 34.906 (c). Area Q Registration.; 5 AAC 35.506 (f). Area J Registration.

Allows vessel operators to file a preseason vessel registration for a rationalized crab fishery without a valid Commercial Fisheries Entry Commission (CFEC) interim-use permit card for the fishery.

Staff Reports: RC 2, Oral Tab 1, 4, Written Tab 10, 11

Staff Comments: RC 2, Tab 22 pg 5-6

AC Reports: RC 1, Advisory Committee Comment Tab

Timely Public Comment: RC 1, Public Comment Tab

Record Comments: RC 39

Narrative of Support and Opposition:

Department: Supported because it is recognized that not all fishers will have a CFEC card at the time of preseason registration. The department was asked for clarification of CFEC cards and the response was that rationalized crab fisheries are not under state limited entry so any person may have an interim use card which can cost up to \$3,000.

Support:

- None

Opposition:

- None

POSITIONS AND RECOMMENDATIONS

ADF&G Position: Support.

AC Positions: Support.

Public Panel Recommendation: Consensus to support.

Board Committee Recommendation: Consensus to support with substitute language.

Substitute Language:

5 AAC 34.606 AREA O REGISTRATION

(b) For the red [AND GOLDEN] king crab fisheries, the vessel registration deadline for the registration year is 21 days before that vessel begins fishing operations. Before a vessel may be registered under this subsection, the vessel operator must **file a preseason registration form with the department** [FIRST] **and** obtain a valid CFEC interim-use permit for Aleutian Islands king crab that references the vessel's ADF&G license number. **For the purposes of filing a preseason registration form for the red king**

crab fishery west of 179° W. long. a valid CFEC interim-use permit is not required. The registration form must identify the vessel **and vessel** operator['S CFEC PERMIT NUMBER] and must be received in person, or by mail or facsimile, at the department office in the Dutch Harbor or Kodiak by the deadline specified in this subsection.

5 AAC 34.806 AREA T REGISTRATION

(b) For the red king crab fishery [IES], the vessel registration deadline for the registration year is 5:00 p.m. September 24. **Before a vessel may be registered under this section, the vessel operator must file a preseason registration form with the department** [BEFORE A VESSEL MAY BE REGISTERED UNDER THIS SUBSECTION, THE VESSEL OPERATOR MUST FIRST OBTAIN A VALID CFEC INTERIM-USE PERMIT FOR BRISTOL BAY KING CRAB THAT REFERENCES THE VESSEL'S ADF&G LICENSE NUMBER.] The registration form must identify the vessel **and vessel operator**, [OPERATOR'S CFEC PERMIT NUMBER] and must be received in person, or by mail or facsimile, at the department office in Dutch Harbor or Kodiak by the deadline specified in this subsection.

5 AAC 34.906 AREA Q REGISTRATION

(c) Before a vessel may be registered under this section, the vessel operator must **file a preseason registration form with the department** [FIRST] **and** obtain a valid CFEC interim-use permit for Bering Sea king crab that references the vessel's ADF&G license number. **For the purposes of filing a preseason registration form for Pribilof red and blue king crab or Saint Matthew blue king crab a valid CFEC interim-use permit is not required.** The registration form must identify the vessel **and vessel** operator['S CFEC PERMIT NUMBER] and must be received in person, by mail, or facsimile, at the department office in Dutch Harbor or Kodiak by the applicable deadline specified in (b) of this section.

5 AAC 35.506 AREA J REGISTRATION

(f) Before a vessel may be registered under this section, the vessel operator must **file a preseason registration form with the department** [FIRST] **and** obtain a valid CFEC interim-use permit for [BERING SEA] Tanner crab that references the vessel's ADF&G license number. **For the purposes of filing a preseason registration form for Bering Sea Tanner or snow crab a valid CFEC interim-use permit is not required.** The registration form must identify the vessel **and vessel** operator['S CFEC PERMIT NUMBER] and must be received in person, or by mail or facsimile, at the department office in Dutch Harbor or Kodiak **by the applicable deadline specified in (e) of this section** [BY THE DEADLINE SPECIFIED IN THIS SECTION].

PROPOSAL 371. – 5 AAC 35.510. Fishing Seasons for Registration Area J. Allows vessel operators to file a preseason vessel registration for Bering Sea Tanner crab without a valid Commercial Fisheries Entry Commission (CFEC) interim-use permit card for the fishery.

Staff Reports: RC 2, Oral Tab 1, 4, Written Tab 10, 11

Staff Comments: RC 2, Tab 22 pg 7

AC Reports: RC 1, Advisory Committee Comment Tab

Timely Public Comment: RC 1, Public Comment Tab

Record Comments: RC 39

Narrative of Support and Opposition:

Department: Supported because the proposal mirrors staff-generated proposal 370.

Support:

- None

Opposition:

- None

POSITIONS AND RECOMMENDATIONS

ADF&G Position: Support.

AC Positions: Support.

Public Panel Recommendation: Consensus to support.

Board Committee Recommendation: No action based on proposal 370.

Substitute Language: Same as for proposal 370.

PROPOSAL 372. – 5 AAC 39.670. Bering Sea/Aleutian Islands Individual Fishing Quota (IFQ) Crab Fisheries Management Plan. Modify Bering Sea/Aleutian Islands IFQ crab fisheries as follows:

1. Separate fisheries described for Aleutian Islands golden king crab east and west of 174° W. long.
2. Separate fisheries described for Bering Sea Tanner crab east and west of 166° W. long.
3. Allows vessel operators to utilize another vessel's crab pots if a cooperative gear authorization form is filed with department.
4. Stipulates that eastern Bering Sea Tanner crab and Bristol Bay red king crab or western Bering Sea Tanner crab and Bering Sea snow crab may be fished concurrently.

Staff Reports: RC 2, Oral Tab 1, 4, Written Tab 10, 11

Staff Comments: RC 2, Tab 22 pg 8-11

AC Reports: RC 1, Advisory Committee Comment Tab

Timely Public Comment: RC 1, Public Comment Tab

Record Comments: RC 39

Narrative of Support and Opposition:

Department: Supported as it does not make any major changes from the BOF's original intent. Seeks to clarify original intent and make regulations easier to follow. Makes changes to incidental harvest allowances.

Support:

- None

Opposition:

- None

POSITIONS AND RECOMMENDATIONS

ADF&G Position: Support.

AC Positions: Support.

Public Panel Recommendation: Consensus to support.

Board Committee Recommendation:

Substitute Language: Consensus to support with substitute language.

This substitute language has been developed based on committee recommendations on proposals 374-377 as well as for proposal 372.

5 AAC 39.670. Bering Sea/Aleutian Islands Individual Fishing Quota (IFQ) Crab Fisheries Management Plan.

(b) The following fisheries are covered under the management plan in this section:

- (1) Bristol Bay red king crab (**BBR**);
- (2) Aleutian Islands red king crab (west of 179° W. long.) (**WAI**);
- (3) Aleutian Islands golden king crab (**east of 174° W. long.**) (**EAG**);
- (4) **Aleutian Islands golden king crab (west of 174° W. long.) (WAG);**
- (5) Saint Matthew Island Section blue king crab (**SMB**);
- (6) Pribilof District red and blue king crab (**PIK**);
- (7) Bering Sea [*C. OPILIO TANNER*] **snow** crab (**BSS**); [AND]
- (8) Bering Sea [*C. BAIRDI*] Tanner crab (**east of 166° W. long.**) (**EBT**)[.]; **and**
- (9) **Bering Sea Tanner crab (west of 166° W. long.) (WBT).**

(c) The following provisions apply to the fisheries specified in this section:

(1) a vessel participating in an Individual Fishing Quota (IFQ), Community Development Quota (CDQ), or the Adak community allocation crab fishery must have on board the vessel an activated vessel monitoring system (VMS) approved by NMFS;

(2) **A vessel operator who is validly registered for one of the fisheries listed in (b) (1)-(9) of this section may authorize other vessel operators who are validly registered for the same fishery to operate crab pot gear belonging to that vessel** [FOR THE PURPOSES OF THIS SECTION, A CRAB FISHERY COOPERATIVE IS A COOPERATIVE APPROVED BY NMFS BY AUGUST 1 OF EACH YEAR PRECEDING THE FISHING SEASON; DURING A CRAB FISHERY COOPERATIVE],

(A) **Before a vessel operator may operate crab pot gear belonging to another vessel, the registered operator of the pot gear must file a cooperative gear authorization form with the department authorizing other vessels to operate the crab pot gear;** [THE MANAGER OF A COOPERATIVE MUST REGISTER THE VESSEL OR VESSELS OPERATING FOR THE COOPERATIVE WITH THE DEPARTMENT BEFORE THE COOPERATIVE BEGINS FISHING];

(B) **A vessel operator who is validly registered for one of the fisheries list in (b) (1)-(9) of this section may transfer any or all gear operation rights and responsibilities to only one other vessel operator who is validly registered for that fishery under the following conditions:** [A VESSEL MAY PARTICIPATE IN MORE THAN ONE CRAB FISHERY COOPERATIVE AT A TIME;

(i) both the operator of the vessel relinquishing gear operation rights and responsibilities (donor) and the vessel receiving those rights and responsibilities (recipient) must sign an affidavit giving the effective date and time of the transfer and the number of pots being transferred;

(ii) the transfer of gear operation rights and responsibilities must occur within 14 days of the donor vessel being active in the registration area where the pot gear is located;

(iii) the pot gear transfer must include all of the pot gear belonging to the donor vessel and that vessel's pot gear may not be split among more than one recipient vessel;

(iii) the affidavit must be signed by a department representative before the pot gear transfer is valid and a copy of the affidavit bearing the original signature of both donor and recipient vessel operators must be received by the department within 30 days of the effective date of the transfer as authorized a department representative. The affidavit may be submitted to the department in person, by mail to Post Office box 920587 Dutch Harbor, Alaska 99692, or by facsimile to (907) 581-1572;

(C) THE TOTAL NUMBER OF CRAB POTS DEPLOYED BY THE MEMBERS OF A COOPERATIVE MAY NOT EXCEED THE SUM OF THE CRAB POT LIMITS OF ALL VESSELS PARTICIPATING IN THE COOPERATIVE];

(3) each crab pot deployed must bear the ADF&G number of the vessel that **initially** registers the crab pot, and if **deployed** in a fishery with a crab pot limit, [THE] **each** pot must bear a buoy tag registered to the vessel registering that pot; in addition,

(A) an active vessel may collectively operate and transport crab pot gear of another registered and active vessel;

(B) when a vessel transports and deploys crab pot gear to the fishing grounds for another vessel, the vessel registered with the crab pot gear must be active in the registration area where the crab pot gear is deployed within seven days of the initial deployment;

(C) repealed 8/28/2005;

(D) a vessel's crab pot gear may not be deployed unless the vessel is actively participating in harvesting the species in the applicable area;

(E) for the purposes of this paragraph, a vessel is considered active in an area by becoming validly registered with the department and by VMS verification of the vessel in the registration area.

(F) A vessel that has completed fishing operations as defined in 5 AAC 39.675 (b) (1)-(2) is not considered active in a registration area;

(4) No provision of this section allows an individual vessel operator to utilize a greater quantity of crab pot gear than authorized in 5 AAC 34 and 5 AAC 35;

([4]5) Vessel operators may harvest EBT and BBR or WBT and BSS concurrently;

(A) a vessel participating in concurrent fisheries for [BRISTOL BAY RED KING CRAB] **BBR and [*C. bairdi* TANNER CRAB] **EBT** may only [USE ONE**

SPECIES ALLOCATION OF CRAB POT GEAR (POT LIMIT); THE PARTICIPATING VESSEL OPERATOR SHALL DESIGNATE AT THE TIME OF REGISTRATION THE QUANTITY OF POT GEAR REGISTERED AND WHETHER THE CRAB POT GEAR IS CONFIGURED FOR RED KING CRAB OR *C. BAIRDI* TANNER CRAB] **retain EBT as incidental harvest described in 5 AAC 35.506 (i) (2);**

(B) a vessel participating in concurrent [SPECIES] fisheries for [*C. BAIRDI* TANNER CRAB] **WBT and [*C. OPILIO* TANNER CRAB] **BSS** may only [USE ONE SPECIES ALLOCATION OF CRAB POT GEAR (POT LIMIT); THE PARTICIPATING VESSEL OPERATOR SHALL DESIGNATE AT THE TIME OF REGISTRATION THE QUANTITY OF POT GEAR REGISTERED AND WHETHER THE CRAB POT GEAR IS CONFIGURED FOR *C. BAIRDI* TANNER CRAB OR *C. OPILIO* TANNER CRAB]; **retain WBT as incidental harvest described in 5 AAC 35.506 (i) (1);****

(C) A vessel participating in the WBT fishery may retain BSS as incidental harvest described in 5 AAC 35.506 (j);

(6) a vessel operator may have a species of king or Tanner crab from an IFQ fishery and king crab from an Adak community allocation fishery or a species of king or Tanner crab from a CDQ fishery on board the vessel at the same time; a vessel operator may not have a species of king or Tanner crab from an IFQ fishery and a species of king or Tanner crab from a non-CDQ or non-IFQ fishery on board the vessel at the same time;

(7) an operator of a vessel participating in an IFQ, CDQ, or Adak community allocation crab fishery in the Bering Sea/Aleutian Islands area must notify the United States Coast Guard at least 24 hours before departing port when carrying crab pot gear;

(8) in addition to the registration requirements specified in 5 AAC 34 and 5 AAC 35, a vessel owner, or owner's agent, shall provide satisfactory proof of a current valid United States Coast Guard Commercial Fisheries Vessel Safety Decal before a registration certificate is issued;

(9) the operator of a vessel designated at the time of registration to operate the crab pot gear of another vessel shall be considered the agent of the vessel registered to operate the crab pot gear.

PROPOSAL 373. – 5 AAC 35.506. Area J Registration.; 5 AAC 35.525. Lawful Gear for Registration Area J. Modify current regulation as follows:

1. Clearly defines a Bering Sea Tanner crab fishery east and west of 166° W long. and states that the fisheries may not be fished concurrently.
2. Defines directed and incidental Tanner crab fishing for the Bering Sea based on the predominant species delivered and predominant gear type.
3. Allows concurrent harvesting of Bering Sea Tanner and snow crab west of 166° W long.
4. Allows Bering Sea Tanner crab to be fished incidentally to Bristol Bay red king crab east of 166° W long. and allows a directed Bering Sea Tanner crab fishery between 163° W long. and 166° W long.

Staff Reports: RC 2, Oral Tab 1, 4, Written Tab 10, 11

Staff Comments: RC 2, Tab 22 pg 12-14

AC Reports: RC 1, Advisory Committee Comment Tab

Timely Public Comment: RC 1, Public Comment Tab

Record Comments: RC 39

Narrative of Support and Opposition:

Department: Supported by the department in order to clarify and improve Bering Sea Tanner crab regulations. Current regulations have allowed vessels to target Tanner crab with snow crab gear which is configured for crabs with a smaller legal size, therefore increasing bycatch and associated mortality of undersized and female Tanner crab. In addition the concurrent use of two gear types by some vessels makes it impossible for the department to adequately estimate the bycatch of Tanner crab. Estimation of bycatch is mandated under the Magnuson-Stevens Fishery Conservation and Management Act.

The department introduced some new ideas to help with the bycatch issue. Concurrent fishing with more than one gear type by one vessel would be eliminated. In addition, an incidental fishery for Tanner crab would be established as 2% or 3% bycatch of the catch of the target species. The department would like to keep the percentage as low as possible to eliminate the practice of vessels purposely targeting Tanner crab in order to obtain the maximum bycatch, but still allow fishers to retain legal Tanner crab that are incidental in snow crab gear. The new language wouldn't rely on pot limits or buoy tags for enforcement as the language in the original proposal did.

The public raised concerns that when Tanner crab abundance increases in the Bering Sea it will be much harder for fishers to avoid incidental catch. The department responded that a big increase in Tanner crab is not expected anytime in the near future and if it does this issue can be readdressed in three years. The department does not think there have been cases where vessels have fished in heavily mixed areas. For the current fishing year, retention of Tanner crab concurrently with red king crab is less than 1% and retention of Tanner crab concurrently with snow crab is 6%. The higher percentage in the snow crab fishery is accounted for by a few vessels that brought in large loads of Tanner crab with a few snow crab. Most vessels delivered very small amounts of Tanner crab with snow crab. Information from prior years is not available because the data does not allow for that type of analysis. If Tanner crab

TACs increase, more vessels will most likely participate in the directed Tanner crab fishery so they won't be harvested as often as incidental catch.

The department was asked if the proposal only pertains to Tanner crab. The department responded that only Tanner crab can be kept incidentally and this proposal only addresses Tanner crab. The possibility of retaining snow crab incidentally in a Tanner crab fishery has not been considered. The two species have different seasons and different longitude divisions which may need consideration. The department also noted that it was not legal to have both Tanner and snow crab onboard a vessel at the same time until 2005. Realistically the department does not think people will keep snow crab incidentally during a Tanner crab fishery but the department is willing to look into this as a possibility.

The department will write regulations to allow for 5% snow crab to be kept incidentally to directed Tanner crab fishing. This would allow the department to characterize the fishery while eliminating a vessel using more than one gear type.

Support:

- Fishers realize that the department needs to characterize bycatch.
- If the regulations concerning pot limits and buoy tags are repealed then this proposal would be supported by public and the department.

Opposition:

- Worried that in the future there may be areas where the stocks are heavily mixed and wants a higher percentage (10%) of allowable incidental catch or let there be some flexibility to the percentage. Nice thing about rationalization was being able to keep Tanner crab incidentally.
- Might keep fishers out of an area with mixed crab species because of high incidental catch rates.
- Don't want to get into a situation where a lot of crabs are discarded at-sea because of bycatch regulations.
- During Tanner crab fishing in the past people were getting a big snow crab bycatch around the Pribilofs.
- When stocks recover in the east there will be a lot of Tanner crab east of 163° W longitude. Historically this area was a big Tanner crab fishing area. By regulation Tanner crab can't be directed in that area and 3% bycatch to red king crab will not be enough.
- In the immediate future this shouldn't be a problem but when the stocks recover it may become a problem.
- Would like to allow vessels to target Tanner crab east of 163° W longitude as these were big grounds in the past and there wouldn't be a lot of red king crab bycatch in that area.
- Unintended consequence to proposal would not allow snow crab to be kept incidental to Tanner crab. Fishers want to be able to keep more snow crab in Tanner crab gear since a legal Tanner crab is larger than a legal snow crab and Tanner gear would let out undersized snow crab.
- Would like to see incidental amount up to 5%.
- Would like to see this for the western subdistrict only.
- Do not want to support this proposal without knowing exactly what the department is suggesting for regulatory language.

POSITIONS AND RECOMMENDATIONS

ADF&G Position: Supports with substitute language.

AC Positions: Support.

Public Panel Recommendation: Consensus to support with substitute language.

Board Committee Recommendation: Consensus to support with substitute language.

Substitute Language:

5 AAC 35.506. Area J Registration.

(i) In the Bering Sea District a vessel operator may register to harvest *C. bairdi* Tanner crab under the following conditions:

- (1) West of 166° W. long. in a directed WBT fishery, or as incidental harvest while the vessel operator is simultaneously registered for BSS fishery. A vessel operator that is lawfully registered to fish for BSS in Bering Sea District may also retain WBT in an amount up to 5% of the weight of BSS onboard the vessel and reported on an ADF&G fish ticket.**
- (2) East of 166° W. long. as incidental harvest while the vessel operator is simultaneously registered for the BBR fishery. A vessel operator that is lawfully registered to fish for BBR may also retain EBT in an amount up to 5% of the weight of BBR onboard the vessel and reported on an ADF&G fish ticket.**
- (3) In a directed EBT fishery occurring between 163° W. long. and 166° W. long.**
- (4) A vessel operator may not be concurrently registered to harvest WBT and EBT east and west of 166° W. long.**

[DURING THE FISHING SEASON FOR *C. bairdi* TANNER CRAB, A VESSEL OPERATOR REGISTERED FOR ONLY BRISTOL BAY RED KING CRAB FISHERIES CONDUCTED EAST OF 168° W. LONG. MAY NOT RETAIN *C. bairdi* TANNER CRAB. A VESSEL OPERATOR REGISTERED TO RETAIN BOTH BRISTOL BAY RED KING CRAB AND *C. bairdi* TANNER CRAB IS RESTRICTED TO FISHING EAST OF 166° W. LONG. A VESSEL OPERATOR MAY REGISTER FOR DIRECTED *C. bairdi* TANNER CRAB FISHING ONLY IN THE WATERS BETWEEN 166° W. LONG, AND 163° W. LONG.]

(j) In the Bering Sea District, a vessel operator that is lawfully registered to fish for WBT west of 166° W. long may also retain BSS in an amount up to 5% of the weight of WBT onboard the vessel and reported on an ADF&G fish ticket. [A VESSEL OPERATOR MAY REGISTER TO, AT THE SAME TIME, FISH FOR AND RETAIN *C. OPILIO* AND *C. BAIRDI* TANNER CRAB WEST OF 166° W. LONG.]

PROPOSAL 374. – 5 AAC 39.670 (c)(3)(A). Bering Sea/Aleutian Islands Individual Fishing Quota (IFQ) Crab Fisheries Management Plan. Allows a vessel operator registered for rationalized crab fisheries to transfer gear operation rights upon completion of fishing to another vessel operator registered for the same fishery.

Staff Reports: RC 2, Oral Tab 1, 4, Written Tab 10, 11

Staff Comments: RC 2, Tab 22 pg 15-16

AC Reports: RC 1, Advisory Committee Comment Tab

Timely Public Comment: RC 1, Public Comment Tab

Record Comments: RC 39

Narrative of Support and Opposition:

Department: Opposed as proposal is written but supports the concept of gear sharing. There is a need to create a clear chain of possession of the gear so that there is no question on who is responsible if violations occur. The last vessel assigned to the gear would be responsible for getting the gear off the grounds when fishing was over. An affidavit can be signed to track the gear. All the gear from one vessel should be transferred to the same vessel and the department also stipulated that a boat could only take gear from one vessel.

Enforcement indicated that there should not be a real problem with this but accountability of the gear is essential. There was some question on how the affidavit would be signed while vessels were out fishing on the grounds. The department does not want boat agents to be in charge of signing affidavits as this could cause problems for vessel operators.

Enforcement also feels that if the gear from one vessel is split up between several vessels it would be impossible to enforce as then more than one vessel would be working gear with the same ADF&G number thus it is essential that all the gear from one vessel goes to the same vessel.

Most crab vessels did not have faxing capabilities. Emails are considered too informal for gear transfers and enforcement would need signatures from all parties involved. It was also suggested that hard copies of the affidavit be mailed to ADF&G within 14-30 days.

The department stated that most transfers will probably happen at the time of offload so at least one vessel will be at port to sign the affidavit. The other vessel would have 14 days to sign the affidavit which should be plenty of time for the vessel to get into port. However, if the second vessel never signs the affidavit then the original vessel is still responsible for that gear.

A question was raised on whether or not gear sharing would still be in effect to which the department responded that it would remain in place, but the pre-existing gear sharing agreements made by the donor vessel would not apply when the gear is transferred.

Support:

- None

Opposition:

- None

POSITIONS AND RECOMMENDATIONS

ADF&G Position: Supports with substitute language as in proposal 372.

AC Positions: Support.

Public Panel Recommendation: Consensus to support with substitute language as in proposal 372.

Board Committee Recommendation: No action based on proposal 372.

Substitute Language:

Provided in summary for proposal 372.

PROPOSAL 375. – 5 AAC 39.675. Crab Pot Gear Storage for Bering Sea/Aleutian Islands IFQ, CDQ, and Adak Community Allocation Crab Fisheries. Clarifies that crab pot gear may only be left unattended on the grounds for 14 days. Also clarifies that vessel operators must check out within 72 hours of last operating pot gear in the registration area and place pot gear in proper storage.

Staff Reports: RC 2, Oral Tab 1, 4, Written Tab 10, 11

Staff Comments: RC 2, Tab 22 pg 17-18

AC Reports: RC 1, Advisory Committee Comment Tab

Timely Public Comment: RC 1, Public Comment Tab

Record Comments: RC 39

Narrative of Support and Opposition:

Department: Supported as largely considered “house keeping”. Specifies that gear cannot be left on the grounds for more than 14 days and clearly defines the check out requirements. This proposal does not change intent of original regulation. The 14 day limit is important because after 14 days of starvation crab begin to experience mortality.

Support:

- None

Opposition:

- None

POSITIONS AND RECOMMENDATIONS

ADF&G Position: Support.

AC Positions: Support.

Public Panel Recommendation: Consensus to support.

Board Committee Recommendation:

Substitute Language: Consensus to support with substitute regulatory language.

5 AAC 39.675. Crab Pot Gear Storage For Bering Sea/Aleutian Islands IFQ, CDQ, and Adak Community Allocation Crab Fisheries.

(a) Notwithstanding any other provision of 5 AAC 34 - 5 AAC 35, king and Tanner crab pots may be stored outside of a designated storage area specified in 5 AAC 34.052 and 5 AAC 35.052 with all bait and bait containers removed and doors secured fully open for up to 14 days following the completion of

fishing **operations** in a registration area. King and Tanner crab pots must be removed from the water or placed in long-term storage if left unattended **for 14 days or longer by the registered operator of the vessel whose ADF&G number is on the buoy of the pot gear.** [IN A REGISTRATION AREA] FOR LONGER THAN 14 DAYS. BEFORE A VESSEL IS ABSENT FROM THE REGISTRATION AREA FOR MORE THAN 14 DAYS, THE CRAB POT GEAR BELONGING TO THAT VESSEL MUST BE REMOVED FROM THE WATER OR PLACED IN LONG-TERM STORAGE. A VESSEL OPERATOR SHALL NOTIFY THE DEPARTMENT WITHIN 72 HOURS OF COMPLETING FISHING OPERATIONS IN A REGISTRATION AREA OR WHEN DEPARTING THE REGISTRATION AREA, AND WHEN GEAR IS MOVED TO LONG-TERM STORAGE.] A vessel's registration is invalid after 14 days of inactivity in a registration area.

(b) For the purposes of this section a vessel is deemed to have completed fishing operations if the following has occurred:

(1) The vessel operator contacts the department in Dutch Harbor to invalidate the vessel registration for that species and registration area. This notification must occur within 72 hours of last operating pot gear in the registration area;

(2) The pot gear belonging to that vessel is removed from the water, placed into long-term storage, or transferred to a recipient vessel as described in 5 AAC 39.670 (c)(2)(B)(i-iv) within 14 days.

PROPOSAL 376. – 5 AAC 35.525 (c)(4)(A&B). Lawful Gear For Registration Area J.; 5 AAC 35.526 (a-c). Tanner Crab Pot Marking Requirements for Registration Area J. Repeal pot limits and buoy tag requirements for Bering Sea Tanner and snow crab fisheries.

Staff Reports: RC 2, Oral Tab 1, 4, Written Tab 10, 11

Staff Comments: RC 2, Tab 22 pg 19-20

AC Reports: RC 1, Advisory Committee Comment Tab

Timely Public Comment: RC 1, Public Comment Tab

Record Comments: RC 18, 39

Narrative of Support and Opposition:

Department: Originally opposed due to the need for pot limits during concurrent Tanner and snow crab fishing. However, since the substitute language in 373 was developed, the department no longer feels gear limits are necessary and is in support this proposal. Other concerns include lost pots and the amount of time it may take a vessel to get through all the gear as there is potential mortality by starvation. However; at this time the department does not think the soak times for Tanner and snow crab are long enough to cause significant mortality. There is also concern for gear loss, but experience in the initial rationalized fisheries indicates that is relatively low, generally less than four lost pots per vessel per season. The department receives accurate information at the time of registration from captains about the number of pots being utilized. Observers will also be able to verify the number of pots being fished by their vessels.

Support:

- Losing tags are a violation and causes extra worry. Skippers are willing to give correct information to the department about the number of pots actually used in order to get rid of buoy tags.

Opposition:

- No reason to raise pot limits because you make crew work harder and safety goes down. The idea behind rationalization was to slow the fishery down and promote safety.

POSITIONS AND RECOMMENDATIONS

ADF&G Position: Support.

AC Positions: Support.

Public Panel Recommendation: No consensus.

Board Committee Recommendation: Consensus to support with substitute language.

Substitute Language:

5 AAC 35.525 (c)(4)(A&B) Lawful Gear For Registration Area J.

(c) The following pot limits are in effect in Registration Area J:

[(A) IN THE *C. BAIRDI* TANNER CRAB FISHERY, NO MORE THAN 450 POTS MAY BE OPERATED FROM A VALIDLY REGISTERED VESSEL;

(B) IN THE *C. OPILIO* TANNER CRAB FISHERY, NO MORE THAN 450 POTS MAY BE OPERATED FROM A VALIDLY REGISTERED VESSEL;]

(d) In the Bering Sea District, the tunnel eye openings on the vertical side of a Tanner crab pot may be no more than three inches high, except that up to 20 groundfish pots, as defined in 5 AAC 28.050(e) , may be [USED AS PART OF THE LEGAL LIMIT OF TANNER CRAB POTS] **possessed by the operator of a vessel that is validly registered for either the Bering Sea Tanner crab or Bering Sea snow crab fisheries** . Tanner **and snow** crab taken from these groundfish pots may be retained.

5 AAC 35.526 Tanner Crab Pot Marking Requirements For Registration Area J (a-c)

(a) In addition to the requirements of 5 AAC 35.051, in Registration Area J, in locations where a Tanner crab pot limit is in effect, each Tanner crab pot must have one identification tag issued by the department placed on the main buoy or on the trailer buoy if more than one buoy is attached to the pot.

(b) Identification tags are issued before each fishing season, are uniquely numbered for each registration year, and will be issued at the time of vessel registration for that vessel only. The vessel owner, or the owner's agent, shall apply for identification tags at a department office designated to issue the tags. Replacement of tags lost during the season is permitted if the vessel operator submits a sworn statement or affidavit to the department office that issued the tags, describing how the tags were lost and listing the numbers of the lost tags. [EXCEPT THAT FOR THE BERING SEA DISTRICT, REPLACEMENT OF LOST TAGS IS PERMITTED ONLY IF THE VESSEL OPERATOR AND THREE CREW MEMBERS SUBMIT SWORN STATEMENTS OR AFFIDAVITS, IN PERSON, AT THE DEPARTMENT OFFICE IN DUTCH HARBOR, OR TO A REPRESENTATIVE OF THE DEPARTMENT IN THE PRIBILOF ISLANDS, DESCRIBING HOW THE TAGS WERE LOST AND LISTING THE NUMBERS OF THE LOST TAGS.] Replacement tags will only be available from the Kodiak and Dutch Harbor local department offices. Tags shall be renewed annually before each fishing season.

[(c) IN THE BERING SEA DISTRICT, THE MAIN OR TRAILER BUOY MAY NOT DISPLAY MORE THAN ONE TAG ISSUED UNDER (B) OF THIS SECTION AT ANY TIME. THAT TAG MUST BE ONE THAT WAS ISSUED FOR THE YEAR IN WHICH THE FISHERY IS OCCURRING.]

PROPOSAL 377. – 5 AAC 34.825 (h). Lawful Gear for Registration Area T.; 5 AAC 34.826 (a). King Crab Pot Marking Requirements For Registration Area T.; 5 AAC 34.051 (b)(c). King Crab Gear Marking Requirements. Repeal pot limits and buoy tag requirements for the Bristol Bay red king crab fishery.

Staff Reports: RC 2, Oral Tab 1, 4, Written Tab 10, 11

Staff Comments: RC 2, Tab 22 pg 21

AC Reports: RC 1, Advisory Committee Comment Tab

Timely Public Comment: RC 1, Public Comment Tab

Record Comments: RC 18, 39

Narrative of Support and Opposition:

Department: This proposal is similar to proposal 376 but deals with Bristol Bay red king crab. The department was originally opposed but if concurrent fishing for Tanner crab is eliminated there is willingness to support.

Prior to Crab Rationalization vessels were using an average of 154 pots per vessel for a four day fishery. Crab Rationalization allows for 450 pots but, on average, vessels are using 172 pots for 24 days of fishing. There are concerns that a person may use an unreasonable amount of gear but currently the department is comfortable with the level of gear being used. In general pot loss and soak times are low for this fishery.

A question was raised on whether or not anyone has ever used 450 pots since Crab Rationalization began. In prior snow crab fisheries vessels have purchased 400 tags but never the maximum.

Concern was expressed that someone might fish with 1,000 pots which could end up with lots of gear lost in the ice, however the public stated that they did not believe anyone would do this.

Support:

- No one is using the 450 pot limit now so no need for pot limits anymore.
- Pot tagging requirements are costly and can cause violations. No one intends to use more pots but would like to get rid of buoy tags.
- 1,000 pots don't fish any better so there is no reason for anyone to fish with a lot of pots.
- Biggest vessel in fleet does not even fish 450 pots.
- During the open-access fishery this would have been an issue but it is not any longer.

Opposition:

- No reason to raise pot limits because you make crew work harder and safety goes down. The idea behind rationalization was to slow the fishery down and promote safety.

POSITIONS AND RECOMMENDATIONS

ADF&G Position: Support.

AC Positions: Support.

Public Panel Recommendation: No consensus.

Board Committee Recommendation: Consensus to support with substitute language.

Substitute Language:

5 AAC 34.825. Lawful Gear For Registration Area T (h)

(h) In Registration Area T, **the operator of a vessel that is validly registered for the red king crab fishery may possess up to 20 groundfish pots, as defined in 5 AAC 28.050(e). Red king crab taken from these pots may be retained.** [NO MORE THAN 450 POTS MAY BE OPERATED FROM A VALIDLY REGISTERED VESSEL.]

5 AAC 34.826 King Crab Pot Marking Requirements For Registration Area T (a),(b)

(a) [IN ADDITION TO THE PROVISIONS OF 5 AAC 34.051, IN REGISTRATION AREA T, THE MAIN BUOY OR TRAILER BUOY MAY NOT DISPLAY MORE THAN ONE IDENTIFICATION TAG ISSUED UNDER 5 AAC 34.051, AND THAT TAG MUST BE ONE THAT WAS ISSUED FOR THE YEAR THAT THE FISHERY IS OCCURRING.

(b) IN REGISTRATION AREA T, REPLACEMENT OF IDENTIFICATION TAGS LOST DURING THE SEASON IS PERMITTED IF THE VESSEL OPERATOR AND THREE CREW MEMBERS SUBMIT SWORN STATEMENTS OR AFFIDAVITS, IN PERSON, AT THE DEPARTMENT OFFICE IN DUTCH HARBOR, DESCRIBING HOW THE TAGS WERE LOST AND LISTING THE NUMBERS OF THE LOST TAGS.]

PROPOSAL 378. – 5 AAC 34.825 (h). Lawful Gear for Registration Area T. Allows vessels registered for Bristol Bay red king crab to configure up to 20 pots as groundfish pots.

Staff Reports: RC 2, Oral Tab 1, 4, Written Tab 10, 11

Staff Comments: RC 2, Tab 22 pg 22

AC Reports: RC 1, Advisory Committee Comment Tab

Timely Public Comment: RC 1, Public Comment Tab

Record Comments: RC 39, 40

Narrative of Support and Opposition:

Department: The department is neutral because this proposal will not increase management capabilities or improve conservation.

During the snow crab fishery a vessel is estimated to use an average of four groundfish pots and it is estimated that the fleet may catch between 400,000-500,000 pounds of cod as bait. This is the amount of additional cod expected to be caught if this proposal is adopted for red king crab.

Pacific cod allocations are complex so it should be considered whether or not someone will get less Pacific cod allocated to them if this proposal passes.

Department of Law stated that would be considered under FMP category 3 “other” but, someone might be able to appeal and challenge this. The prudent thing would be to bring it to NPFMC just in case. It was explained to the BOF that they can adopt the proposal but wait to implement until the Council approves. It was also clarified that the Council does not have to approve; the state can adopt the regulation and then notify the council. Also clarified that if the proposal is adopted it is not authorizing Pacific cod fishing; It is only allowing vessels to have groundfish gear rigged onboard their vessels while fishing crab. NMFS manages the groundfish fishery in federal waters.

Support:

- There may be some historical precedent for this as it may have been legal in past. (The department is not aware of this being legal at any time.)
- The Pacific cod taken as bait would not increase with this proposal as currently vessels are taking Pacific cod in Tanner gear. People are not using 20 pots anyway.
- Personal use bait is not recorded and is formally thought about when setting TACs. If it already taken into consideration when setting TACs then it shouldn't matter if people keep it as bait in the red king crab fishery or not.

Opposition:

- Although NMFS recognizes that this has been done in Tanner and snow crab fisheries that does not necessarily mean this should be adopted for red king crab. Pacific cod management is different now from when the Tanner/snow crab regulation was made. NMFS now manages Pacific cod through a LLP program and there are new Steller sea lion requirements.

- This may fall under category 3 “other” which would require the BOF to consult with the Council. BOF does not have to consult with the Council but should be aware that this affects a groundfish fishery not crab. It would allow for the BOF to inform the Council of fishing practices and how these regulations may be utilized in practice.
- This seems less like a gear modification for crab and more like a way to allow groundfish to be retained on the grounds as bait in order to make crab fishing easier.
- May negatively impact small vessel operators who catch bait to sell to the crab fleet.

POSITIONS AND RECOMMENDATIONS

ADF&G Position: Neutral.

AC Positions: Support.

Public Panel Recommendation: Consensus to support.

Board Committee Recommendation: No action based on substitute language in proposal 377.

Substitute Language:

Provided in summary for proposal 377.

PROPOSAL 379. – 5 AAC 34.053 (2). Operation of Other Pot Gear. Allows vessels registered for Bristol Bay red king crab to configure up to 20 pots as groundfish pots.

Staff Reports: RC 2, Oral Tab 1, 4, Written Tab 10, 11

Staff Comments: RC 2, Tab 22 pg 23

AC Reports: RC 1, Advisory Committee Comment Tab

Timely Public Comment: RC 1, Public Comment Tab

Record Comments: RC 39, 40

Narrative of Support and Opposition:

Department: Proposal is identical to proposal 378.

Support:

- See comments on proposal 378.

Opposition:

- See comments on proposal 378.

POSITIONS AND RECOMMENDATIONS

ADF&G Position: Neutral.

AC Positions: Support.

Public Panel Recommendation: Consensus to support.

Board Committee Recommendation: No action based on substitute language in proposal 377.

Substitute Language:

See comments on proposal 378.

PROPOSAL 380. – 5 AAC 34.910 (b)(1). Fishing Seasons for Registration Area Q. Seeks to develop a Pribilof red king crab management plan.

Staff Reports: RC 2, Oral Tab 3, 4, 7, Written Tab 10, 11

Staff Comments: RC 2, Tab 22 pg 24-25

AC Reports: RC 1, Advisory Committee Comment Tab

Timely Public Comment: RC 1, Public Comment Tab

Record Comments: RC 6 and 38, 39, 24

Narrative of Support and Opposition:

Department: No position was taken on the proposal as the proposal is too general. The department is opposed to anything that would negatively impact the red and blue king crab stocks. If the department felt that there was a surplus of crab a TAC would be set. The department recognized a need for a management plan but there is a lack of information to create a viable plan. As it is not expected that crab abundances will increase to allow a harvestable surplus in the near future, there is no immediate need for a hastily developed management plan. The red king crab fishery has always failed to meet the preseason expectations and GHs could not be obtained.

The trawl survey has had poor precision for red king crab. Typically in the trawl survey red king crab are caught in a small number of tows and most of the reds come in one tow. The department conducts pot surveys triennially which can be used to ground truth the trawl survey. There is a pot survey scheduled for 2008 so there is no need for a small, exploratory fishery to gain information on the stock. The trawl survey indicates reds and blues do not overlap, but pot surveys show that reds and blues appear in the same areas frequently. The department does not think that it would be possible to establish a viable red king crab fishery outside of blue king crab habitat.

It is also important to take blue king crab into account. Blue king crab is at a record low of abundance and there is a real concern for bycatch during the red king crab fishery. An analysis would have to be made on blue king crab before anything could be done on red king crab.

During the 2003 pot survey the department tried to take about 40,000 pounds of red king crab for cost recovery when trawl survey showed higher abundance than what is there now. The vessel harvested less than 200 crab and had to go to Bristol Bay to obtain the cost recovery crab.

The department will not set a harvest limit if it is not certain that it can be achieved. That is a bad management policy and is not done for other fisheries.

A question was asked on how long it may take for a red king crab management plan to be put in place. The department responded that there is so little information on the stock that it will take longer than a year or two.

The department was also asked why the ADF&G document stock status position is so different from the NMFS estimate for legal males. ADF&G uses multiple years of data whereas area swept estimates are used for the SAFE document. The SAFE document is higher because there was a hot spot for Tanner

crab where a lot of red king crab were also found. As a result four additional tows were made in the area which was then applied to the overall numbers.

There is a requirement to accommodate all FMP requirements when developing a plan.

Support:

- It is believed that reds and blues school separately most of the time.
- Opening the fishery would allow fishers to give more information to the department about the stock. ADF&G could always shut it down if the fishery wasn't viable.
- ADF&G could retain the ability to close the fishery mid-season if necessary. Fishers do not want to leave crab on the table if it is available even if it is a small TAC.
- No one is asking for a season right now, but would like the department to at least start working on a management plan and harvest strategy. It might be years down the road before it is ready but that would be okay.
- If this were adapted Pribilof communities would be provided with much needed economic opportunities.

Opposition:

- None

POSITIONS AND RECOMMENDATIONS

ADF&G Position: Strongly opposed to management measures that would negatively impact Pribilof District blue king crab or risk overfishing of Pribilof red king crab. Not prepared to develop a management plan at this time.

AC Positions: Support.

Public Panel Recommendation: Consensus to support.

Board Committee Recommendation: Consensus to oppose.

Substitute Language: None.

PROPOSAL 381. – 5 AAC 34.917 (a)(2). Saint Matthew Island Section Blue King Crab Harvest Strategy. Seeks to reduce or repeal the minimum total allowable catch for opening the Saint Matthew Island blue king crab fishery.

Staff Reports: RC 2, Oral Tab 1, 4, 7, Written Tab 10, 11

Staff Comments: RC 2, Tab 22 pg 26

AC Reports: RC 1, Advisory Committee Comment Tab

Timely Public Comment: RC 1, Public Comment Tab

Record Comments: RC 39

Narrative of Support and Opposition:

Department: Opposed as minimum TACs are needed to promote stock rebuilding on the schedule specified in the stock rebuilding plan. The minimum TAC was included as a management measure in the analyses of the effectiveness of the harvest strategy and was an important determinate of the rebuilding schedule. The harvest strategy was adopted by reference in the federal stock rebuilding plan and, in order to reduce the minimum TAC, an analysis showing that the reduction would not jeopardize rebuilding within the rebuilding period would be required. The stock is improving and there was an increase in mature biomass from the 2006 to 2007 survey, but the stock still has a way to go before it is rebuilt and even further to get above what it was before it was declared overfished.

The department suggests that a change to the minimum TAC could be made after the stock is rebuilt. Mature male and female biomass would have to be above the threshold two years in a row to be considered rebuilt. There can be a fishery while stock is classified as overfished. The stocks are increasing and if it gets over 2.7 million pounds the fishery would open which may be soon.

The public asked what the difference was between the Tanner crab and blue king crab minimum TAC. The Tanner minimum TAC was not included as part of the rebuilding plan so ADF&G could change the minimum. However the blue king crab minimum TAC was part of the analysis for the rebuilding plan and would require an analysis on how it would effect rebuilding.

All rationalized crab fisheries open on Oct 15. The question was raised if the opening date could be changed. Department of Law says the BOF could generate a proposal to change the season date openings if they decide to.

Support:

- The minimum threshold was set before Crab Rationalization. Now there are less vessels fishing and more co-ops so TAC could be reduced to 2 million under the new rules without a problem.
- The St. Matthew's fishery has always been small but was also economically valuable. If the stock can only support two million pounds it would still be worth it to have a fishery. There is less impact now with the way people fish in Crab Rationalization.
- Minimum TAC was removed for Tanner crab by ADF&G which is similar to this fishery. There are other protection measures built into the rebuilding plan. Seems like the TAC requirement are in addition to other measures and unnecessary.

Opposition:

- Opposed to opening fishery until it is rebuilt.

POSITIONS AND RECOMMENDATIONS

ADF&G Position: Strongly opposed to any change in the harvest strategy that could impede rebuilding of the stock.

AC Positions: Support.

Public Panel Recommendation: No consensus.

Board Committee Recommendation: Consensus to oppose.

Substitute Language: None.

Alaska Board of Fisheries Committee Report

COMMITTEE B

Aleutian Islands, Kodiak and Norton Sound King and Tanner Crab
March 5, 2008

Board Committee Members:

1. Bonnie Williams, *Chair
2. Vince Webster
3. Jeremiah Campbell - absent

Alaska Department of Fish and Game Staff Members:

1. Forrest R. Bowers - Bering Sea Aleutian Islands Area Management Biologist
2. Wayne Donaldson - Regional Management Biologist, Westward Region
3. David Barnard - Crab Observer Database Biometrician
4. John Hilsinger - Director of Commercial Fisheries
5. Douglas Pengilly - Regional Research Biologist
6. Al Cain - Criminal Justice Planner
7. Skip Gish - Bering Sea Aleutian Islands Shellfish Research Biologist
8. Herman Savikko - FMP Coordinator
9. Jim McCullough - Westward Regional Supervisor
10. Jim Menard - Arctic Area Management Biologist
11. Scott M. Kent - Assistant Area Management Biologist Arctic Region
12. Barbi J. Failor-Rounds - Note taker
13. Nicholas Sagalkin - Note taker
14. Krista Milani - Note taker
15. Kevin J. Clark - Note taker

Alaska Department of Law Representative:

1. Lance Nelson

Advisory Committee Members:

1. Oliver Holm - Kodiak Advisory Committee
2. Frank Kelty - Unalaska Advisory Committee
3. Steve Minor - PNCIAC

Public Panel Members:

1. Rip Carleton - NSEDC
2. Dick Powell - self
3. Art C. Ivanoff - SNSFFC
4. Wes Jones - NSEDC
5. Linda Kozak - Patricia Lee, Inc
6. Charlie Lean - NSEDC & NNSAC

7. Bing Henkel – F/V Erla N
8. Chad Hoefler – AIGC
9. Arni Thompson – A.C.C.

National Marine Fisheries Service Representative:

1. Glenn Merrill - NMFS

The Committee met March 5, 2008 at 11:00 am and adjourned on March 5, 2008 at 3:45 pm

PROPOSALS BEFORE THE COMMITTEE WERE (12 total): Aleutian Islands (382, 383, 384, 385, 386), Kodiak (366, 367), Norton Sound (387, 388, 389, 390, 391)

PROPOSAL 366. – 5 AAC 35.506. Repeal superexclusive registration

Staff Reports: none

Staff Comments: RC2, Tab 22

AC Reports: AC3

Timely Public Comment: none

Record Comments: RC2 Tab 12, RC34

Narrative of Support and Opposition:

Superexclusive registration was implemented prior to limited entry. Historically, most of the current rationalized crab fisheries opened concurrent to the Kodiak District Tanner crab fishery. Important local fishery to the small vessel fleet.

Support:**Opposition:**

- Superexclusive registration has helped limit participation.
- Concern that participation might increase from vessels that have longer seasons in the rationalized crab fisheries.
- Increased participation may make Kodiak District Tanner crab season less manageable and seasons are likely to be shorter.

POSITIONS AND RECOMMENDATIONS

ADF&G Position: Neutral.

AC Positions: The Kodiak Advisory Committee opposes.

Public Panel Recommendation: Consensus to oppose.

Board Committee Recommendation: Consensus to oppose.

Substitute Language: None.

PROPOSAL 367. – 5 AAC 35.525. Lawful Gear for Registration Area J (c) (1). Implement differential pot limits for big and small vessels during the Kodiak District Tanner crab fishery.

Staff Reports: none

Staff Comments: RC2, Tab 22

AC Reports: AC3

Timely Public Comment: none

Record Comments: RC2 tab 12, RC 34

Narrative of Support and Opposition:

Large vessels indicate higher fuel costs disadvantage them. One large vessel owner that has a vessel in the Kodiak District Tanner crab fishery was opposed to increasing the pot limits.

Support:

Opposition:

- Fishery is already very rapid in some sections. Some areas closed in less than 4 days in 2008.
- Large vessels already have advantage of being able to operate in rougher weather and use larger pots.

POSITIONS AND RECOMMENDATIONS

ADF&G Position: Neutral.

AC Positions: The Kodiak Advisory Committee opposes.

Public Panel Recommendation: Consensus to oppose.

Board Committee Recommendation: Consensus to oppose.

Substitute Language: None.

PROPOSAL 382. – 5 AAC 39.145. Escape Mechanism for Shellfish and Bottomfish Pots. Increase the thread count from 30 to 120 thread biodegradable cotton, utilized as escape mechanism in golden king crab pots in the Aleutian Islands.

Staff Reports: RC 2, Oral Tab 2, 4, Written Tab 10, 11, & 15

Staff Comments: RC 2, Tab 22 pg 27

AC Reports: RC 1, Advisory Committee Comment Tab

Timely Public Comment: RC 1, Public Comment Tab;

Record Comments: 18, 33, 39

Narrative of Support and Opposition:

The current twine count is 30-thread; the proposal asks for increase to 120-thread. The department opposes this proposal. In the Eastern Aleutian Islands (AI) golden king crab fishery vessels fish 1,300 pots per vessel, and in the Western Aleutian Islands vessels fish 1,800 pots. Average soak times in the East have gone up to 13 days in the rationalized fisheries from 4 days pre-rationalization and from 12 to 22 days in the West pre and post rationalization, respectively. A change in fishing practices does not warrant change in conservation measures.

The biological characteristics of golden king crab have not changed although fishing practices have changed with rationalization. Research has shown that Tanner crabs start to die when trapped in pots 14 days and significantly increased after 28 days. After 30 days of starvation mortality sets in and 60% of the crabs die even after being provided with food. These biological concerns have not changed. The 30-thread biological twine laced into crab pots is important to protect crab. We shouldn't change the twine standards because fishing practices have changed.

Biodegradable twine is also important to guard against "ghost fishing". Rate of pot loss in the Aleutian Islands golden king crab is four or five times higher than in Bering Sea crab fisheries. This may be because the pots are longlined in areas where there is steep bathymetry. Longlines may also break under certain sea floor conditions and those conditions make it difficult to retrieve the rest of the gear on a broken long line. This information has been anecdotally provided from the Aleutian Islands vessel operators.

Analysis of data collected by crab observers resulted in a mean time to failure for 30-thread twine of 39-49 days soak time with no probability of failure before 20 days soak time. These data shows that twine has a 16% probability of failure by 30 days, the critical value for Tanner crab mortality.

Public Safety presented examples of different types of twine. Arguments regarding biodegradable twine sizes are common around state in crab fisheries. In Southeast Alaska Dungeness fishermen want larger twine as well. The Department of Public Safety believes it is important to stop "ghost fishing".

Public Safety recognizes that it is a pain to switch out biotwine and that twine may break if a load of crab is on the twine when the pots are pulled. However, when on the ocean floor biotwine does not degrade as fast. Public Safety has no problem determining what size twine is in a pot. Public safety is

neutral and would defer to ADFG. Everywhere in the state 30-thread twine is required with one exception for Dungeness fisheries because pot configuration is different.

Data collected on zero crab in pots in the Western Aleutian Islands golden king crab has been 5-8% of the total pots sampled and in eastern district has been 2-3% of the total pots sampled. It's relatively low and doesn't necessarily mean biotwine broke but may be the pot didn't catch anything. All pot loss data is post rationalization as we didn't collect before.

Support:

- Studies were done on Tanner crab rather than golden king crab. It is hard to kill a brown (golden) king crab.
- Industry believes that about 20% of the pots have twine blown pots when they are pulled.
- It is a pain to switch out biotwine.
- Observer coverage is 50% observed for CVs and 100% in CPs. Observers pick a pot randomly to sample. If the twine is blown then the observer has randomly chosen a pot with no crab (zero pot) and this reflects on the CPUE. There is not a way to know if the zero pot is because the twine breaks or not. Industry estimates over 20% of the twine is blown by the time pots are pulled in the western district.
- Crabs are getting fed by other bycatch swimming into pot. There is a 6 knot current in the Aleutian Islands going through pots which must bring in food. Also the current puts extra stress on biotwine. Found a pot over a year old and it was full of crab and none were dead. Often in the fishery crab are kept in pots for 30 days and then put in tanks for another 30 days and they aren't dead at time of offload. Doesn't seem they are starving.

Opposition:

- Concerns about 120-thread twine because of bycatch such as halibut in crab pots.

POSITIONS AND RECOMMENDATIONS

ADF&G Position: Opposed.

AC Positions: Unalaska AC originally supported changing twine to 60 thread but after report by Department and seeing 60 was not better than 30 the AC opposes 60 and believes 30 should remain the standard. The AC is concerned about lost gear and mortality. The AC has concerns about up to 120 thread because of bycatch such as halibut.

Public Panel Recommendation: No consensus.

Board Committee Recommendation: Consensus to oppose.

Substitute Language: None.

PROPOSAL 383. – 5 AAC 34.xxx. New Section. Increase harvest level for Aleutian Islands golden king crab.

Staff Reports: RC 2, Oral Tab 2, 4, & 7, Written Tab 10, 11

Staff Comments: RC 2, Tab 22 pg 30

AC Reports: RC 1, Advisory Committee Comment Tab

Timely Public Comment: RC 1, Public Comment Tab;

Record Comments: 4, 22, 23, 33, 38, 39

Narrative of Support and Opposition:

This fishery used to be 100% observed. Observer data typically gives good information; size composition, fecundity, catch of different size classes of crab. The department has seen retained catch of legal males increase since the late 90s. At same time soak times have been increasing dramatically. One of pitfalls of depending on fishery dependent data is that we don't know whether changes are due to changes in abundance or changes in fishing practices.

ADF&G conducts standardized pot surveys every three years and makes comparisons from one survey to the next. This stock is evaluated during a triennial survey which utilizes standardized gear, soak times and locations. The department tags crabs and analyzes tag returns attaining limited data including migration, molt interval, catch rate information, and fishing mortality rate information. The most recent survey data looks like catches are trending up after having declined earlier. Survey catches have improved since the 2003 survey, but are not as good as they were prior to 2000. Survey is in a limited area. Western stock is not currently surveyed.

When a constant catch harvest policy is utilized, often this is approached by using average harvest as a start to set the TAC. The fishery may have been taking as much as it could so the department set a constant catch harvest level, and looks for red flags in the fishery prior to establishing the TAC preseason.

BOF members remarked that the department stated that the fishery is healthy but doesn't have the data to assess whether an increase is viable, and requested clarification on what public panel members felt was a viable increase. Public panel members asked for a 10% increase and felt that this level wouldn't hurt the resource and would satisfy participants. Public panel members feel that under rationalization with individual quotas in place there's no expectation of exceeding the TAC.

The BOF asked for clarification on why inseason closures prior to attaining a TAC are not an option. In response, under rationalization the department can't close down a fishery inseason. This becomes a fairness/allocation issue if you close and some fishermen haven't been able to harvest their entire quota. Setting a TAC vs a GHM we lose flexibility on making inseason adjustments. With a GHM the fishery could be closed mid-season if preseason expectations were not being met. The department annually analyzes all available data for this stock. If we thought there was enough crab to support an increase the department would set the TAC accordingly. There is a model being developed which will be ready to present for analytical review for the Crab Plan Team in May. Completing the model is a priority for the department as is a move towards the model and a harvest strategy for this stock.

Public panel members requested clarification regarding why the GHL was lowered in the eastern portion. One of the issues was a chronic problem of exceeding the GHL. The other was because the tag return data indicated harvest was exceeding the maximum allowable harvest rate set forward in the FMP.

Interpretation of the average weight data shows periodic recruitment events. With crab you can go through a period of years without a recruitment event. King crab are long-lived and will continue to grow. Every year you may see the size get a little bigger because the same year class keeps growing from year to year. With low average weights, it may indicate that you're fishing on that year's recruitment and that there are few post-recruit animals in the legal size class of the animals. Public panel comments stated that that's been seen up north as well. The difference here is that if you fish the same age class the biomass will decline as the age class is fished and the average weight will grow. Here you have a slowly, steadily building group. Here there seems to be constant recruitment, but slow and steady.

Department commented that fishermen by their nature are trying to get the best possible CPUE. We look at the increase in weight, but this could have as much to do with fishing practices and gear as with an accumulation of older animals. The decrease in sublegals in the observer data could be do to gear and increased soak times or to a reduction in numbers. Looking at the standard survey, there's been a steady decline in sublegals from 1997. The only thing that is firm is that we've had a constant catch harvest strategy in place for 10 years that has been sustainable. Until we have a model to resolve conflicting information and give us information on stock size, status and trends, all we know for certain is that the current TAC has been sustainable.

Harvest data being utilized in the model is from the 1981/82 season through the most recent completed season.

Support:

- Current TAC is well under the long-term average.
- Public panel members stated that this fishery is unique within Tier 5. It's healthy and has been for 25 years.
- BOF has three options on this: 1) go with temporary bump; 2) direct department to develop a harvest strategy; or 3) set a harvest limit in regulation.
- Fishery data shows stock is healthy and improving: 1) CPUE has been increasing since before rationalization and is now well above 20 crabs/pot, which is very good and a sign of recruitment; 2) average size is increasing, a good indicator showing that the stock is not stressed.
- In the Western area 400,000 pounds of harvest was foregone last year because the person who held quota couldn't deliver quota to someone else; looks like same thing might happen again. A bump in TAC this year would compensate that foregone harvest.
- Proposal supporters have a stake in sustainable fishery and wouldn't be asking for something if they weren't having phenomenal fishing unlike anything seen since since 1973.
- It's an expensive fishery. Costs \$200,000 at the beginning of each season and there are more costs throughout the season.
- Request department to consider establishing a TAC based on CPUE. Seems like an assessment model has been worked on for years and never finished.
- A 10% increase in the TAC (east and west of 174) wouldn't hurt the stock and would satisfy fishers.

Opposition:

- Unalaska AC was opposed to the proposal because didn't know the increase being requested, also not a harvest strategy in place because there's not a harvest strategy, or information, looking at the proposal as written, support the department's position. Tough to do an increase based strictly on observer data such as CPUE.

POSITIONS AND RECOMMENDATIONS

ADF&G Position: Opposed.

AC Positions: Unalaska AC opposed.

Public Panel Recommendation: No consensus

Board Committee Recommendation: Consensus to support with amendment. Have given amended language to Kerri Tonkin.

Substitute Language: None.

PROPOSAL 384. – 5 AAC 39.675. Crab Pot Gear Storage For Bering Sea/Aleutian Islands IFQ, CDQ, and Adak Community Allocation Crab Fisheries. Extend the time allowed for a vessel participating in the Aleutian Islands golden king crab fishery to leave baited pot gear unattended and fishing from 14 to 45 days.

Staff Reports: RC 2, Oral Tab 2, 4, Written Tab 10, 11

Staff Comments: RC 2, Tab 22 pg 33

AC Reports: RC 1, Advisory Committee Comment Tab

Timely Public Comment: RC 1, Public Comment Tab;

Record Comments: 33, 39

Narrative of Support and Opposition:

Department is opposed to this proposal based on biological concerns for the Aleutian Islands golden king crab stock. Many of the biological concerns were addressed during discussion of proposal 382. These biological concerns include concern for increased mortality due to crab being held in pots for long periods of time. Research on crab starvation indicates that starved Tanner crab began to experience mortality at 14 days.

A vessel may be able to optimize the 14 day period as this 14 day period begins when a vessel crosses the 174° West longitude line, approximately a 1.5 day trip from Dutch Harbor. The problem of exceeding the 14 days unattended period predominantly occurs when leaving the western registration area for golden king crab. The department isn't aware of this problem occurring in the eastern registration area as almost all golden king crabs are delivered within the eastern area.

BOF members requested clarification on the consequences of an invalidated registration which occurs after being absent from or inactive in the management area for 14 days. The catch could be considered illegal, but enforcement has typically considered the gear to be stored illegally, having exceeded the 14 day requirement.

Discussion stated that this proposal was submitted for the benefit of the catcher-processor; Patricia Lee, and is a regulatory change request for to allow them a break at Christmas. This regulation was developed due to the concerns of gear being left unattended for long periods of time, which is exactly what the department was concerned about with implementation of rationalization.

BOF members requested clarification on season lengths and where gear can be stored. Season lengths shortened prior to the implementation of rationalization, but lengthened once rationalization was implemented. Gear would have to be put into proper wet storage, unbaited with doors secured open in order to leave the registration area for longer than 14 days. After clarification stated that if the season is longer now, theoretically the gear could be stored prior to the Christmas holidays, then set again in January.

Clarification was requested on what is considered leaving the registration area and if it is legal to leave the state and still be considered active. A vessel can not tie up at the dock for extended periods of time and still be considered active in the registration area. Enforcement stated that it's very clear in

regulation that a vessel's registration is invalidated after 14 days of inactivity in an area or after two weeks of a vessel tied to the dock. If the vessel is in the registration district, they don't have to pull the gear every 14 days as long as they're there attending the gear. They're able to manipulate the soak times to make them work optimally. Someone could not tie up at the dock in the registration area and leave. A permit card holder has to be present on board the vessel so that the vessel is active. Even in the eastern area people can't be gone for Christmas for more than 14 days.

Support:

- Golden king crab fishermen have always been able to go home over Christmas, but it's too expensive to have to move all their gear into legal storage prior to departing the registration area, then re-set the gear after returning.
- Lost fishing days while waiting for the gear to attain adequate soak and paying for observers are added expenses if vessels put their gear into storage over a holiday break.
- The vessels still consider themselves active in the fishery until they catch their entire quota.

Opposition:

- Unalaska AC supported the department's opposition after having discussed all available information.

POSITIONS AND RECOMMENDATIONS

ADF&G Position: Opposed.

AC Positions: Unalaska Dutch Harbor AC opposed.

Public Panel Recommendation: No consensus.

Board Committee Recommendation: Consensus to oppose.

Substitute Language: None.

PROPOSAL 385. – 5 AAC 35.xxx. Eastern Aleutian District Tanner Crab Harvest Strategy.
Establish a regulatory harvest strategy for the Eastern Aleutian District Tanner crab fishery.

Staff Reports: RC 2, Oral Tab 2, 4, Written Tab 10, 11

Staff Comments: RC 2, Tab 22 pg 34

AC Reports: RC 1, Advisory Committee Comment Tab

Timely Public Comment: RC 1, Public Comment Tab;

Record Comments: 33

Narrative of Support and Opposition:

The department supports this staff-generated proposal. This fishery was not included in rationalization, solely state managed, and occurs almost entirely in state waters. Harvest is small and the fleet is composed of primarily converted seiners and is prosecuted by local fishermen. There is a triennial trawl survey and annually the department surveys the most productive areas to estimate abundance. After a closure from 1995 to 2002, the department wanted to take a more rigorous approach to management of the fishery including minimum GHs and threshold levels of abundance. Have used the principles contained in this harvest strategy for the last four seasons. Minimum GHs give adequate season length for inseason management.

Support:

- Unalaska AC and fishermen are very happy to see the department develop a harvest strategy specifically for this local fishery.

Opposition:

- None.

POSITIONS AND RECOMMENDATIONS

ADF&G Position: Supports.

AC Positions: Unalaska AC supports.

Public Panel Recommendation: Consensus to support.

Board Committee Recommendation: Consensus to support.

Regulatory Language: **5 AAC 35.xxx EASTERN ALEUTIAN DISTRICT TANNER CRAB HARVEST STRATEGY.**

(a) In the Eastern Aleutian District, a commercial Tanner crab fishery may open only if analysis of pre-season survey data indicates that the subject population:

- (1) meets or exceeds the threshold level of mature male abundance specified in (b) of this section, which is one-half the long-term average of mature male abundance; and
(2) in a section of the Eastern Aleutian District, is sufficient to provide a guideline harvest level of 35,000 pounds or more as calculated under (d) of this section.

(b) The threshold levels of mature male abundance, in numbers of crab, for the following sections of the Eastern Aleutian District are:

| | |
|---|----------------|
| <u>(1) Akutan Section</u> | <u>200,000</u> |
| <u>(2) Unalaska/Kalekta Bay Section</u> | <u>65,000</u> |
| <u>(3) Makushin/Skan Bay Section</u> | <u>45,000</u> |

(c) In the Eastern Aleutian District,

- (1) the registration deadline is 5:00 p.m. December 24.
(2) the vessel operator must register with the department before fishing in any of the sections and may not be simultaneously registered to fish in more than one section at a time.
(3) the commissioner may close, by emergency order, any section based on fishery performance.

(d) If the commercial Tanner crab fishery in the Eastern Aleutian District is opened under (a) of this section and the threshold level of mature male abundance

- (1) is equal to or less than the long-term average of mature male abundance, the guideline harvest level will be no more than 10 percent of the molting mature male abundance and no more than 30 percent of the legal size male abundance;
(2) exceeds the long-term average of mature male abundance, the guideline harvest level will be no more than 20 percent of the molting mature male abundance and no more than 30 percent of the legal size male abundance.

(e) In implementing this harvest strategy, the board directs the department to consider the reliability of the estimates of abundance of Tanner crab, the manageability of the fishery, and other factors deemed necessary to be consistent with sustained yield principles, and to use the best scientific information available.

(f) Nothing within this section prohibits the department from opening a commercial fishery for Tanner crab in the General Section of the Eastern Aleutian District if preseason survey results indicate that a harvestable surplus of Tanner crab is available and harvest rate would not exceed 20% of the molting mature male abundance or 30 percent of the legal male abundance.

(g) The long-term average of mature male abundance, in numbers of crab, for each of the following sections of the Eastern Aleutian District are:

| | |
|---|----------------|
| <u>(1) Akutan Section</u> | <u>400,000</u> |
| <u>(2) Unalaska/Kalekta Bay Section</u> | <u>130,000</u> |
| <u>(3) Makushin/Skan Bay Section</u> | <u>90,000</u> |

(h) For the purposes of this section

- (1) "long-term average of mature male abundance" means the long-term average of the estimated abundance of male Tanner crab greater than 114 millimeters in carapace width;
(2) "molting mature male abundance" means the estimated abundance of 100 percent of newshell, and 15 percent of oldshell Tanner crab that are more than 114 millimeters in carapace width.

PROPOSAL 386. – 5 AAC 35.505(c). Description of Registration Area J Districts. Place in regulation the harvest sections utilized by ADF&G for management of the Eastern Aleutian District Tanner crab stock.

Staff Reports: RC 2, Oral Tab 2, 4, Written Tab 10, 11

Staff Comments: RC 2, Tab 22 pg 36

AC Reports: RC 1, Advisory Committee Comment Tab

Timely Public Comment: RC 1, Public Comment Tab

Record Comments: 33,

Narrative of Support and Opposition:

Department supports having harvest sections defined in regulation.

Support:

- AC supported but no additional commentary.

Opposition:

- None.

POSITIONS AND RECOMMENDATIONS

ADF&G Position: Supports.

AC Positions: Unalaska Dutch Harbor Advisory Committee supports.

Public Panel Recommendation: Consensus to support.

Board Committee Recommendation: Consensus to support.

Regulatory Language:

5 AAC 35.505 DESCRIPTION OF REGISTRATION AREA J DISTRICTS (c)

(1) Akutan Section: all waters west of Akun Head (54° 17.58' N lat., 165° 37.58' W long.) and east of North Head (54° 13.5' N lat., 165° 51.08' W long.) to the three nautical mile state-waters boundary and north of a line from 54° 07.63' N lat., 165° 39.88' W long. to 54° 08.36' N lat., 165° 38.36' W long.

(2) Unalaska/Kalekta Bay Section: all waters west of Erskine Point (53° 58.55'N lat., 166° 16.30' W long.) and east of Cape Cheerful (54° N lat., 166° 40.33' W long.) to the three nautical mile state-waters boundary.

(3) Makushin/Skan Bay Section: all waters south of Cape Kovrizhka (53° 50.67' N lat., 167° 09' W long.) and north of Spray Cape (53° 36.83' N lat., 167° 09.33' W long.) to the three nautical mile state-waters boundary.

(4) General Section: all remaining waters of the EAD not contained within (1) through (3) of this section.

PROPOSAL 387: 5 AAC 34.910. (d)(1) Fishing Seasons for Registration Area Q; and 5 AAC 34.915 (b) Norton Sound Red King Crab Harvest Strategy .

Move the start of the open access summer commercial king crab fishery from July 1 to June 15 and move the start of the CDQ fishery from June 15 to after the open access red king crab fishery.

Staff Reports: RC13

Staff Comments: RC2, Tabs 43-44

AC Reports: None

Timely Public Comment: None

Record Comments: RC 9 submitted by Southern Norton Sound Advisory Committee, and RC10 submitted by Northern Norton Sound Advisory Committee, RC16 and RC17

Narrative of Support and Opposition:

Department: The Department is neutral to the allocative aspects of this proposal. The fishery has commenced on July 1 since 1994. Previously, the red king crab fishery used to be a large boat fishery that began on August 1. The CDQ allocation of the fishery was moved to before the open access fishery in 2002 to allow more opportunity for CDQ fishers to harvest more of the allocation. Additionally, if there is a late ice breakup, Nome-based vessels may have difficulty leaving port in mid-June.

Support:

Southern Norton Sound Advisory Committee (SNSAC) supports this proposal unanimously as it would fill in some of the economic void to Unalakleet residents resulting from the collapse of the Norton Sound commercial herring sac roe and Chinook salmon fisheries. It would be safer to fishers because of lots of daylight, better weather, and fewer soft-shell crab and Norton Sound crabbers would be able to begin fishing for halibut sooner following the closure of the king crab fishery.

Norton Sound Economic Development Corporation (NSEDCC) and Norton Sound Seafood Products (NSSP) also voiced its support of this proposal and reiterated that crabbers would then be able to fish halibut sooner.

Opposition:

Northern Norton Sound Advisory Committee (NNSAC) voted unanimously to oppose this proposal. If we open the fishery on June 15, and the crab are inside the line here in northern Norton Sound, then boats will go to eastern Norton Sound to crab. That will affect the population over time. Some members of the NNAC were concerned about impacts to subsistence crab harvests in northern Norton Sound.

POSITIONS AND RECOMMENDATIONS

ADF&G Position: Neutral

Public Panel Recommendation: Consensus to support

Board Committee Recommendation: Consensus with substitute language.

Substitute Language: **5 AAC 34.910. (d)(1) Fishing Seasons for Registration Area Q. the commissioner may, by emergency order, open June 15 or later,** [FROM 12:00 NOON JULY 1] through 12:00 noon September 3 (summer season); and **5 AAC 34.915 (b) Norton Sound Red King Crab Harvest Strategy.** Notwithstanding 5AAC 39.690 (e) (7), the commissioner may, by emergency order, open a CDQ fishery in Norton Sound, with an allocation of 7.5 percent of the forecasted guideline harvest level for male red king crab. [TO BEGIN AT 12:00 NOON JUNE 15 OR NO LESS THAN 72 HOURS AFTER THE COMMERCIAL BEACH SEINE AND GILLNET HERRING FISHERY IS CLOSED WHICHEVER IS LATER THROUGH 12:00 NOON JUNE 28 (SUMMER SEASON). AFTER JULY 1, THE COMMISSIONER MAY, BY EMERGENCY ORDER, OPEN A CDQ FISHERY FOR THE HARVEST OF ANY REMAINING ALLOCATION AFTER THE CLOSURE OF THE COMMERCIAL RED KING CRAB FISHERY.]

PROPOSAL 388: 5 AAC 34.915 (b) Norton Sound Red King Crab Harvest Strategy..

This proposal would eliminate the restriction requiring the commercial herring fishery to be completed before the start of the CDQ commercial red king crab fishery on June 15.

Staff Reports: RC13

Staff Comments: RC2, Tab 45

AC Reports: None

Timely Public Comment: None

Record Comments: RC 9 submitted by Southern Norton Sound Advisory Committee, and RC10 submitted by Northern Norton Sound Advisory Committee,

Narrative of Support and Opposition:

Department: The Department supports this proposal as it would put current management practice into regulation and eliminate the need to open the fishery on June 15 via emergency order. Since the collapse of the herring markets, previous enforcement issues associated with a concurrent commercial herring and red king crab fishery are no longer relevant. The Norton Sound herring fishery is a bait fishery limited to an annual harvest of 30-100 tons. The Department sees no reason to delay the prosecution of the CDQ crab fishery because of a small-scale bait herring fishery.

Support:

SNSAC voted to remain neutral on this proposal, whereas NNSAC voted to support this proposal.

Opposition: None

POSITIONS AND RECOMMENDATIONS

ADF&G Position: Support

AC Positions: SNSAC was neutral on this proposal and NNSAC voted to support this proposal.

Public Panel Recommendation: Consensus to support

Board Committee Recommendation: Consensus to support.

Substitute Language: **5 AAC 34.915 (b) Norton Sound Red King Crab Harvest Strategy.**

Notwithstanding 5AAC 39.690 (e) (7), the commissioner may, by emergency order, open a CDQ fishery in Norton Sound, with an allocation of 7.5 percent of the forecasted guideline harvest level for male red king crab. [TO BEGIN AT 12:00 NOON JUNE 15 OR NO LESS THAN 72 HOURS AFTER THE COMMERCIAL BEACH SEINE AND GILLNET HERRING FISHERY IS CLOSED WHICHEVER IS LATER THROUGH 12:00 NOON JUNE 28 (SUMMER SEASON). AFTER JULY 1, THE COMMISSIONER MAY, BY EMERGENCY ORDER, OPEN A CDQ FISHERY FOR THE

HARVEST OF ANY REMAINING ALLOCATION AFTER THE CLOSURE OF THE
COMMERCIAL RED KING CRAB FISHERY.]

PROPOSAL 389: 5AAC 34.920 (d). Size Limits for Registration Area Q.

This proposal would reduce the size limit for male blue king crab in the Norton Sound commercial crab fishery from 5 ½ inch to 5 inches width of shell.

Staff Reports: RC13

Staff Comments: RC2, Tab 46

AC Reports: None

Timely Public Comment: None

Record Comments: RC 9 submitted by Southern Norton Sound Advisory Committee, and RC10 submitted by Northern Norton Sound Advisory Committee

Narrative of Support and Opposition:

Department: The Department is neutral on this proposal. Since the 1980s, a blue king crab fishery has occurred 4 times in Norton Sound. In 1983, 52,557 pounds of blue king crab were harvested near St. Lawrence Island, which prompted the board to extend the closed water boundaries around St. Lawrence, King, and Diomedes Islands to 10 miles in 1984. Blue king crab harvests have only occurred in three of the previous twenty.

The department has limited information on the size frequency of the blue king crab stock, and size at maturity has not been estimated for this stock. Ideally size frequency and maturity by size data would be collected to help judge an appropriate legal size limit. In a 2005 king crab pot study near King Island 42 blue king crab were captured with 19% being 5 ½ inch or greater in size, 26% between 5 inches and 5 ½ inches and 55% being less than 5 inches in size. The legal size for red king crab in the Norton Sound fishery is 4 ¾ inches width of shell. In recent years, buyers have only purchased 5 inch or greater shell width red king crab because of market considerations.

If the minimum size limit is reduced, it is unlikely that there will be much of an increase in harvest because of the low blue king crab harvest to date and closed waters around St. Lawrence Island, King Island, and Diomedes Island. If some harvest does occur over the next three years, it will help with collecting more biological information.

Support:

Both the SNSAC and NNSAC voted to support this proposal. NSEDC submitted and supported this proposal. The problem with 5 ½" size is only about 5% of the males attain that size. If you use the same methodology that set the legal size of red king crab in Norton Sound at 4 ¾ inches, the same argument could be used for a 5-inch standard on blue king crab. NSEDC biologists also agreed that reducing the size limit and allowing a little more harvest would facilitate more data collection and thereby increase our knowledge of blue king crab biology in Norton Sound.

Opposition: None

POSITIONS AND RECOMMENDATIONS

ADF&G Position: Neutral

AC Positions: SNSAC and NNSAC supported this proposal.

Public Panel Recommendation: Consensus to support

Board Committee Recommendation: Consensus to support with substitute language

Substitute Language: **5AAC 34.920 (d). Size Limits for Registration Area Q.** In the Norton Sound Section, only male red king crab four and three-quarter inches or greater, and male blue king crab **five** [FIVE AND ONE-HALF] inches or greater, in width of shell may be taken or possessed.

PROPOSAL 390: 5 AAC 34.925(b), (d). Lawful Gear for Registration Area Q.

This proposal would require escape mechanisms in summer and winter commercial king crab pots such that each crab pot would have four escape rings with an inside diameter of four and one-half inches or one side of four side pots would have a side panel on the lower half of a mesh size of not less than six and one-half inches.

Staff Reports: RC13

Staff Comments: RC2, Tab 47

AC Reports: None

Timely Public Comment: None

Record Comments: RC 9 submitted by Southern Norton Sound Advisory Committee, and RC10 submitted by Northern Norton Sound Advisory Committee

Narrative of Support and Opposition:

Department: The Department supports this proposal and believes that the escape mechanisms would reduce mortality and non-lethal damage to sublegal male and female crab.

Advisory committees: Both the SNSAC and NNSAC voted to support this proposal.

NSEDC also supports and submitted this proposal. Currently, a size-selective escapement mechanism is not required in the Norton Sound section. Implementation of such a requirement would reduce sublegal male and female king crab mortality, sorting time of crab on deck, and would improve the quality of the red king crab commercial harvest.

POSITIONS AND RECOMMENDATIONS

ADF&G Position: Support

AC Positions: SNSAC and NNSAC both support

Public Panel Recommendation: Consensus to support

Board Committee Recommendation: Consensus to support with substitute language.

Substitute Language: **5 AAC 34.925 (d) (4). Lawful Gear for Registration Area Q. king crab pots must have 4 escapement rings with an minimum inside diameter of four and one-half inches, or at least one half of one vertical surface of a square pot, or sloping side-wall surface of a conical or pyramid pot, composed of not less than six and one-half inch stretched mesh.**

PROPOSAL 391: 5 AAC 34.925 (b), (d). Lawful Gear for Registration Area Q; and 5 AAC 02.607. Subsistence Fishing Gear. In the Nome winter commercial and subsistence king crab fisheries, a galvanic release or other thread that would break down quicker than the current 30 thread or smaller would be required.

Staff Reports: RC13

Staff Comments: RC2, Tab 49

AC Reports: None

Timely Public Comment: None

Record Comments: RC 9 submitted by Southern Norton Sound Advisory Committee, and RC10 submitted by Northern Norton Sound Advisory Committee

Narrative of Support and Opposition:

Department: The Department is neutral on this proposal. A smaller thread will break sooner than the 30 thread, but ADF&G believes 30 thread is sufficient. However, the thread must be cotton or it will not degrade properly. Galvanic timed release mechanisms may be more difficult for fishers to obtain and use than cotton thread. A galvanic timed release mechanism is not known to have been used in Norton Sound.

Department of Public Safety: The Department representative indicated that galvanized timed releases (GTRs) may not work as effectively as the biodegradable cotton twine escapement mechanism. It was also noted that the eye-bolt used to attach the GTR to the webbing could tangle the webbing once the zinc component of the GTR breaks down. The representative also noted that he had not observed GTRs used in crab fisheries in Alaska in his 30 years of experience.

A former Nome area management biologist, now employed by NSEDC, noted that the eye-bolt did in fact tangle up the webbing in some experiment test fish pots in the past. He further noted that they were also impractical and did not work as effectively as the currently 30 thread cotton twine escapement mechanism.

Both the SNSAC and NNSAC voted unanimously to oppose this proposal.

POSITIONS AND RECOMMENDATIONS

ADF&G Position: Neutral

AC Positions: SNSAC and NNSAC voted to oppose this proposal.

Public Panel Recommendation: Consensus to oppose

Board Committee Recommendation: Consensus to oppose

Substitute Language: None

ALASKA BOARD OF FISHERIES
COMMITTEE REPORT

COMMITTEE: C

Prince William Sound and Cook Inlet Crab

March 5, 2008

Board Committee Members:

1. Howard Delo, *Chair
2. John Jensen
3. Larry Edfelt

Alaska Department of Fish and Game Staff Members:

1. Tom Taube
2. Tom Vania
3. Nicole Szarzi
4. Matt Miller
5. Dan Bosch
6. Tracy Lingnau
7. Charlie Trowbridge
8. Ken Goldman
9. Chuck Brazil
10. Jeff Regnart
11. Dr. Jim Fall
12. Elizabeth Andrews
13. Rob Bentz
14. Patti Nelson

Advisory Committee Members:

1. Dianne Dubuc – Seward AC

Public Panel Members: None

Federal Subsistence Representative:

1. Rod Campbell – USFWS/OSM

The Committee met March 5, 2008 at 11:00 a.m. and adjourned at March 5, 2008 at 1:45 p.m.

PROPOSALS BEFORE THE COMMITTEE WERE (7 total): 359, 360, 361, 362, 363, 364, and 365

Cook Inlet Personal Use Tanner Crab Fishery

PROPOSAL 359 - 5 AAC 35.408(b)(4) and (b)(5). Registration Area H Tanner crab harvest strategy; 5 AAC 35.410(c) Fishing seasons for Registration Area H; 5 AAC 58.022(a)(11). Waters; seasons; bag, possession, and size limits; and special provisions for Cook Inlet – Resurrection Bay Saltwater Area; 5 AAC 77.516(1)(B). Personal use Tanner crab fishery. Establish and refine management criteria for sport and personal use fisheries in Cook Inlet and on the Outer Gulf Coast including Resurrection Bay.

Staff Reports: RC 2, Tab 5

Staff Comments: RC 2, pg 50

AC Reports: RC 1, RC 21

Timely Public Comment: RC 1

Record Comments: RC 7, RC 8, RC 14, RC 20, RC 21, RC 29, RC 33, RC 37

Narrative of Support and Opposition:

Department: This department proposal establishes a new harvest threshold for non-commercial fisheries as described in the Cook Inlet Tanner crab harvest strategy. The current management of the sport and personal use Tanner crab fisheries in Cook Inlet and the outer Gulf Coast of the Kenai Peninsula is linked to harvest guidelines established from legal male Tanner crab abundance estimated from the Kachemak Bay trawl survey. This proposal would establish a new non-commercial fishery threshold for Kamishak, Outer and Eastern districts based upon the Kamishak trawl survey. Legal male Tanner crab abundance in the Kamishak Bay trawl survey increased substantially in 2006 compared to surveys since 2001, indicating that the Tanner crab stocks in central Lower Cook Inlet area may sustain some harvest while allowing those stocks to continue rebuilding. Harvest threshold changed to 50,000 legal male Tanner crab. Biologically acceptable open dates are July 15-March 15.

There is a positive customary and traditional use (C&T) finding for shellfish but an amount necessary for subsistence (ANS) would have to be discussed for Tanner crab in Cook Inlet (referred to RC 7). There are two options: a) develop an ANS based on old information or b) wait for 3 years and develop one after that harvest information is available. If the Board changes the threshold in the LCI Tanner crab fishery, the department recommends the substitute language in the following section.

Department of Law: No comments

Federal Subsistence: No comments

Support:

- No comments

Opposition:

- Would like non-commercial fisheries to be used as an indicator in fisheries management in the outer gulf coast

- Anecdotal evidence of Tanner crab bycatch in Kachemak Bay from Pacific cod pot fishers indicating there may be a harvestable surplus that is unknown and available
- Opposed to Eastern/Outer management based on Kamishak or Kachemak Bay information
- Opposed to July 15 opening due to weekend fishers coming to Seward creating user conflicts during coho season and requested September 15 opening
- 5 crab daily not enough; participation would be low
- Thought that west side current would be more indicative for Shelikof District than the outer North Gulf Coast as there have not been surveys conducted in that area and that Kamishak trawl survey data is not representative of the outer NGC
- Worried about gear and would like better definitions or heavier pots so the aren't lost
- Highly unlikely participation will be very high due to distances traveled and cost of gas

POSITIONS AND RECOMMENDATIONS

ADF&G Position: Supports substitute language

AC Positions: Seward AC - Oppose

Public Panel Recommendation: Consensus to oppose

Board Committee Recommendation: No consensus

Substitute Language:

5 AAC 35.408 (b)(4) (b)(5). Registration Area H Tanner crab harvest strategy. 5 AAC 35.410 (c) Fishing seasons for Registration Area H. 5 AAC 58.022(a)(11). Waters; seasons; bag, possession, and size limits; and special provisions for Cook Inlet – Resurrection Bay Saltwater Area; 5 AAC 77.516 (1)(B). Personal use Tanner crab fishery; 5 AAC 02.010 Subsistence methods and means; 5 AAC 02.XXX Subsistence fishing gear; 5 AAC 02.325 Subsistence Tanner crab fishery

5 AAC 35.408. Registration Area H Tanner crab harvest strategy

(a) The provisions of this section establish the abundance thresholds for the Tanner crab fisheries in the Southern, Kamishak, and Barren Island Districts of Cook Inlet.

(b) In the Southern District, the minimum stock threshold for the commercial fishery is 500,000 legal male Tanner crab. The commercial [AND NON-COMMERCIAL] Tanner crab fisheries will open only under the following conditions:

- (1). if the estimated abundance level of legal male Tanner crab is at least 1,000,000 crab, the commercial [AND NON-COMMERCIAL] fishery[IES] will open to harvest Tanner crab at a rate, **in combination with the noncommercial fisheries**, not to exceed 25 percent of the estimated abundance level of legal male Tanner crab;
- (2). if the estimated abundance level of legal male Tanner crab is at least 500,000, but less than 1,000,000 crab, the commercial [AND NON-COMMERCIAL] Tanner crab fisheries will open to harvest Tanner crab at a rate, **in combination with the noncommercial fisheries**, not to exceed 15 percent of the estimated abundance level of legal male Tanner crab;
- (3). the commercial fishery may not open if
 - (A) the estimated abundance level of legal male Tanner crab is below 500,000 crab;

- (B) attainment of the guideline harvest level would cause legal male Tanner crab abundance to fall below 500,000 crab; or
- (C) the estimated harvest capacity, calculated by the number of registered vessels multiplied by the legal pot limit, and the estimated catch rate exceeds the guideline harvest level during a commercial fishery of a minimum 12-hour duration;

[(4) IF THE RECENT FIVE-YEAR AVERAGE ABUNDANCE LEVEL OF LEGAL MALE TANNER CRAB IS GREATER THAN 100,000 CRAB, THE NON-COMMERCIAL GUIDELINE HARVEST LEVEL MAY NOT EXCEED 10 PERCENT OF THE RECENT FIVE-YEAR AVERAGE ABUNDANCE LEVEL OF LEGAL MALE TANNER CRAB;

(5) THE NON-COMMERCIAL FISHERIES WILL BE CLOSED IF

- (A) THE RECENT FIVE-YEAR AVERAGE ABUNDANCE LEVEL OF LEGAL MALE TANNER CRAB IS LESS THAN 100,000 CRAB;
- (B) THE ESTIMATED ABUNDANCE LEVEL OF LEGAL MALE TANNER CRAB IS LESS THAN 100,000 CRAB FOR THREE CONSECUTIVE YEARS; OR
- (C) THE ESTIMATED ABUNDANCE LEVEL OF LEGAL MALE TANNER CRAB IS LESS THAN 50,000 CRAB IN ANY GIVEN YEAR.]

(c) In the Kamishak and Barren Islands Districts, combined, the minimum stock threshold for the commercial fishery is 700,000 legal male Tanner crab. The commercial fishery will open only under the following conditions:

- (1). if the estimated abundance level of legal male Tanner crab is 1,400,000 crab or greater, Tanner crab may be harvested at a rate, in combination with the non-commercial fishery, not to exceed 25 percent of the estimated abundance level of legal male Tanner crab;
- (2). if the abundance level of legal male Tanner crab is less than 1,400,000, but greater than 700,000, Tanner crab may be harvested at a rate, in combination with the non-commercial fishery not to exceed 15 percent of the estimated abundance level of legal male Tanner crab;
- (3). the commercial fishery may not open if
 - (A) the estimated abundance level of legal male Tanner crab is below 700,000crab;
 - (B) the attainment of the guideline harvest level would cause the abundance of legal male Tanner crab to fall below 700,000 crab; or
 - (C) the estimated harvest capacity, calculated as the number of registered vessels multiplied by the legal pot limit and estimated catch rates, exceeds the guideline harvest level for a fishery of a minimum 24-hour duration.

(d) The noncommercial fishery harvest guideline may not exceed 10 percent of the recent 5-year average of legal male abundance when legal male abundance is below the minimum stock threshold for a commercial fishery. Non-commercial Tanner crab fishing will be closed:

- (1). **In that portion of the Southern District east of a line from Pt. Pogibshi to Anchor Point**
 - a. **if the recent five-year average abundance of legal male Tanner crab estimated from the Kachemak Bay trawl survey is less than 100,000 crab.**
 - b. **the estimated abundance of legal male Tanner crab estimated from the Kachemak Bay trawl survey is less than 100,000 crab for three consecutive years; or**
 - c. **the estimated abundance level of legal male Tanner crab is less than 50,000 crab in any given year.**
- (2). **In the Southern District west of a line from Pt. Pogibshi to Anchor Point and the Kamishak and Barren Island Districts west of the latitude of Gore Point.**
 - a. **if the recent five-year average abundance of legal male Tanner crab estimated from the Kamishak Bay trawl survey is less than 50,000 crab; or**

- b. the estimated abundance level of legal male Tanner crab from the Kamishak Bay trawl survey is less than 40,000 in any given year.

5 AAC 35.410 Fishing seasons for Registration Area H.

- (c) Notwithstanding (b) of this section, the commercial harvest of Tanner crab in the Outer, Eastern, and Central Districts is closed until the Tanner crab stocks have recovered and a harvest strategy is developed by the department and adopted in a regulation by the Board of Fisheries. When the noncommercial fisheries in the [SOUTHERN] Kamishak or Barren Island Districts are closed to the taking of Tanner crab, the noncommercial fisheries in the [KAMISHAK, BARREN ISLAND], Eastern and Outer and Central Districts shall also remain closed.

5 AAC 02.010 Methods, means, and general restrictions

- (i) (3) in the subsistence taking of Tanner crab in the Cook Inlet Area, no more than 2 pots per person and maximum of 2 pots per vessel may be used.

5 AAC 02.XXX Subsistence fishing gear

- 1) each pot other than shrimp pots, used to take shellfish in the Cook Inlet area must have a minimum of two escape rings that are at least four and three-eighths inches in inside diameter.
- 2) a pot used to take shellfish may not have any portion of the line attaching the pot to a buoy floating on the surface of the water at any time, except for that portion of the line connecting the main buoy to any auxiliary buoy or buoys.

5 AAC 02.325 Subsistence Tanner crab fishing

- (1) the daily bag and possession limit is five legal male Tanner crab minimum size is five and one-half inches across the widest part of the shell, including spines;
- (2) Tanner crab may be taken only from July 15-March 15, except that when the subsistence fishery in the Kamishak or Barren Islands Districts are closed to the taking of Tanner crab the subsistence fishery in the Eastern, Outer and Central Districts shall remain closed as specified under 5 AAC 35.410 (c).
- (3) Before harvesting Tanner crabs a person must obtain from the department a subsistence permit, as described in 5 AAC 02.015. Upon taking Tanner crabs, and before concealing the Tanner crabs from plain view or removing the Tanner crabs from the fishing site, the person must enter, in ink, the catch information requested on the subsistence permit. A person who fails to comply with the requirements of this section or 5 AAC 02.015 is ineligible to participate during the following calendar year in the fishery for which the form was required.
- (4) Tanner crab may be taken only with pots, ring nets, dip nets, diving gear, hooked or hookless hand lines or by hand.

5 AAC 58.022 Waters; seasons; bag, possession, and size limits; and special provisions for Cook Inlet – Resurrection Bay Saltwater Area;

- (a) (11) Tanner crab: may be taken only from July 15-March 15, except that when the sport fishery in the [SOUTHERN] Kamishak or Barren Islands Districts [IS] are closed to the taking of Tanner crab the sport fishery in the [KAMISHAK, BARREN ISLANDS] Eastern, [AND] Outer and Central Districts shall remain closed as specified under 5 AAC 35.410 (c); bag and possession limit five male crab; minimum size is five and one-half inches across the widest part of the shell, including spines; a shellfish harvest recording form is required as specified in 5 AAC 58.026;

- (b) Tanner crab: in Kachemak Bay east of a line from Pt. Pogibshi to Anchor Point, the open season is from July 15 -December 31 and from January 15 or the beginning of the commercial Tanner crab season, whichever is later, through March 15;

5 AAC 77.508. Personal use permit for shellfish.

Before harvesting shellfish with pots for personal use, a person must obtain from the department a personal use permit, as described in 5 AAC 77.015. Upon taking shellfish, and before concealing the shellfish from plain view or removing the shellfish from the fishing site, the person must enter, in ink, the catch information requested on the subsistence permit. A person who fails to comply with the requirements of this section or 5 AAC 77.015 is ineligible to participate during the following calendar year in the fishery for which the form was required.

5 AAC 77.516. Personal use Tanner crab fishery.

(1)(B) when the personal use fishery in the [SOUTHERN] Kamishak or Barren Island Districts are [IS] closed to the taking of Tanner crab, the personal use fishery in the Eastern, [AND] Outer and Central Districts shall also remain closed as specified under 5 AAC 35.410 (c).

PROPOSAL 360 - 5 AAC 77.516. Personal use Tanner crab fishery. Open a personal use bairdi tanner crab fishery between Gore Point to Cape Puget.

Staff Reports: RC 2, Tab 5

Staff Comments: RC 2, pg 53

AC Reports: RC 1, RC 20, RC 21

Timely Public Comment: RC 1

Record Comments: RC 7, RC 8, RC 14, RC 20, RC 21, RC 29, RC 33, RC 37

Narrative of Support and Opposition:

Department: This proposal would open a noncommercial Tanner crab season in an area that is currently closed along the North Gulf Coast including the Seward area, shorten the season as described in regulation from nine to six months, increase pot limits from two to five, and increase the daily bag and possession limit from 5 to 20 crab. A return to these limits is unacceptable without additional information. Currently noncommercial Tanner crab fishing in this area is closed because legal male abundance estimates remain below the threshold at which the fishery could open. The department submitted and supports Proposal 359 that addresses noncommercial fisheries in this area.

There is a C&T for shellfish but an ANS would have to be discussed for Tanner crab in Cook Inlet (referred to RC 7). There are two options: a) develop an ANS based on old information or b) wait for 3 years and develop one after that harvest information is available.

Federal Subsistence: No comments

Department of Law: No comments

Support:

- A 5 pot limit would allow prospecting and harvests of crab would provide additional information
- Does not foresee people venturing out just to fish for crab and harvests would be minimal due to seasons, weather, and operating costs, hence a conservative fishery
- Anecdotal evidence of Tanner crab bycatch in Kachemak Bay from Pacific cod pot fishers indicating there may be a harvestable surplus that is unknown and available
- Could split Cook Inlet into two areas from Cook Inlet and Outer and Eastern Districts; for example, seasons/regulations for proposals 359 (Cook Inlet) and 360 (North Gulf Coast).

Opposition:

- No comments

POSITIONS AND RECOMMENDATIONS

ADF&G Position: Opposes

Public Panel Recommendation: Consensus to support

Board Committee Recommendation: No consensus

Substitute Language: None.

Prince William Sound Personal Use king and Tanner Crab Fishery

PROPOSAL 361 - 5 AAC 77.557. Personal use king crab fishery. Allow personal use fishery for golden or brown and red king crab in Prince William Sound.

Staff Reports: RC 2, Tab 5, Tab 20

Staff Comments: RC 2, pg 55

AC Reports: RC 1, RC 21

Timely Public Comment: RC 1

Record Comments: RC 7, RC 8, RC 14, RC 33, RC 37

Narrative of Support and Opposition:

Department: This proposal seeks to reopen the personal use king crab fishery in Prince William Sound with various stipulations. The department does support several elements of this proposal if the board acts to establish a fishery for golden king crab. The virtual absence of red and blue king crabs in department surveys suggests that these species should not be harvested at the present time.

A positive C&T would have to be found by the BOF prior to authorizing a subsistence fishery. An ANS would have to be discussed for Tanner crab in Cook Inlet (referred to RC 7). There are two options: a) develop an ANS based on old information or b) wait for 3 years and develop one after that harvest information is available. If the board decides to open a non-commercial king crab fishery in PWS, the department recommends a subsistence fishery as described in the substitute language.

Federal Subsistence: No comments

Department of Law: No comments

Support:

- No public participants

Opposition:

- No public participants

POSITIONS AND RECOMMENDATIONS

ADF&G Position: Opposed as written but supports substitute language.

AC Positions: No participants

Public Panel Recommendation: No participants

Board Committee Recommendation: Consensus to support substitute language

- (5) 5 AAC 02.205 Subsistence crab fishing permits. Before harvesting Tanner crabs a person must obtain from the department a subsistence permit, as described in 5 AAC 02.015. Upon taking Tanner crabs, and before concealing the Tanner crabs from plain view or removing the Tanner crabs from the fishing site, the person must enter, in ink, the catch information requested on the subsistence permit. A person who fails to comply with the requirements of this section or 5 AAC 02.015 is ineligible to participate during the following calendar year in the fishery for which the form was required.

5 AAC 02.2XX Closed waters.

The following areas will be closed to subsistence crab fishing:

- 1) Port Valdez
- 2) Galena Bay
- 3) Port Fidalgo
- 4) Port Gravina

5 AAC 02.2xx Legal gear

(1) Each pot other than shrimp pots, used to take shellfish in the Prince William Sound area must have a minimum of two escape rings that are at least four and three-eighths inches in inside diameter.

(2) Crab may be taken only with pots, ring nets, dip nets, diving gear, hooked or hookless hand lines or by hand.

(3) No portion of the line attaching a pot to a buoy floating on the surface of the water may be floating on the surface except for that portion of the line connecting the main buoy to any auxiliary buoy or buoys.

(4) No more than two pots per person with a maximum of two pots per vessel, may be used to take crab in Prince William Sound.

5 AAC 02.208. Customary and traditional subsistence uses of shellfish stocks and amount necessary for subsistence uses

(a) The Alaska Board of Fisheries (board) finds that shrimp, Dungeness crab, **Tanner crab, king crab**, and miscellaneous shellfish are customarily and traditionally used for subsistence in the Prince William Sound Area.

(b) The board finds that 9,000 - 15,000 pounds of usable weight of shrimp are reasonably necessary for subsistence uses in the Prince William Sound Area.

(c) The board finds that 15,000 - 25,000 pounds usable weight of shellfish other than shrimp and crab are reasonably necessary for subsistence uses in the Prince William Sound Area.

5 AAC 02.225. Subsistence king crab fishery

[THE SUBSISTENCE TAKING OF KING CRAB IN THE PRINCE WILLIAM SOUND AREA IS CLOSED UNTIL THE KING CRAB STOCKS RECOVER ENOUGH TO PROVIDE A HARVESTABLE SURPLUS AND REGULATIONS ARE ADOPTED BY THE BOARD OF FISHERIES THAT REOPEN THE FISHERY.]

In the Prince William Sound Management Area, only golden king crab may be taken or possessed for subsistence purposes.

- (1) **The open season dates are October 1 through March 31**
- (2) **Golden king crab may be taken only in waters west of 147° 20' West longitude**
- (3) **Only male golden king crab with a minimum carapace width of 7 inches may be taken.**
- (4) **Annual limit per household is 3 legal male golden king crab**

PROPOSAL 363 - 5 AAC 77.558. Personal use Tanner crab fishery. Allow a personal use Tanner crab season in areas of Prince William Sound.

Allow personal use Tanner Crab season in areas of Prince William Sound.

Staff Reports: RC 2, Tab 5, Tab 20

Staff Comments: RC 2, pg 58

AC Reports: RC 1, RC 21

Timely Public Comment: RC 1

Record Comments: RC 7, RC 8, RC 14, RC 33, RC 37

Narrative of Support and Opposition:

Department: This proposal seeks to reopen the personal use Tanner crab fishery in Prince William Sound with various stipulations. The department does support several elements of this proposal if the board acts to establish a fishery for Tanner crab. Historically the trawl survey focused on core stations in the Prince William Sound. Legal male estimates from these core stations declined from 108,689 in 1993 to 3,697 in 1999 and have since rebounded to 33,518 in 2007.

Positive C&T would have to be found by the BOF prior to authorizing a subsistence fishery. An ANS would have to be discussed for Tanner crab in Cook Inlet (referred to RC 7). There are two options: a) develop an ANS based on old information or b) wait for 3 years and develop one after that harvest information is available. If the board decides to open a non-commercial Tanner crab fishery in PWS, the department recommends a subsistence fishery as described in substitute language.

Alaska Wildlife Protection: Boat in Seward can't pull pot over 100 lbs however, for PWS there are boats that could be used to check pots.

Federal Subsistence: No comments

Department of Law: No comments

Support:

- No public participants

Opposition:

- No public participants

POSITIONS AND RECOMMENDATIONS

ADF&G Position: Opposed as written but supports substitute language.

AC Positions: No participants

Public Panel Recommendation: No participants

Board Committee Recommendation: Consensus to support substitute language

Substitute Language:

5 AAC 02.220. Subsistence Tanner crab fishery

[THE SUBSISTENCE TAKING OF TANNER CRAB IN THE PRINCE WILLIAM SOUND AREA IS CLOSED UNTIL THE TANNER CRAB STOCKS RECOVER ENOUGH TO PROVIDE A HARVESTABLE SURPLUS AND REGULATIONS ARE ADOPTED BY THE BOARD OF FISHERIES THAT REOPEN THE FISHERY.]

In the Prince William Sound Management Area Tanner crab may be taken for subsistence purposes.

- (1) **The open season dates are October 1 through March 31.**
- (2) **Only male Tanner crab 5.3 inches in carapace width or greater may be taken or possessed.**
- (3) **The daily bag and possession limit is 5 legal male crab.**

PROPOSAL 362 - 5 AAC 77.558. Personal Use Tanner Crab Fishery. Open personal use Tanner crab season in Port Valdez.

Staff Reports: RC 2, Tab 5, Tab 20

Staff Comments: RC 2, pg 57

AC Reports: RC 1, RC 21

Timely Public Comment: RC 1

Record Comments: RC 7, RC 8, RC 14, RC 33, RC 37

Narrative of Support and Opposition:

Department: The proposal seeks to open a personal use winter season Tanner crab fishery in the Valdez Non-subsistence Area of Prince William Sound, a two pot per person and per vessel gear limit, a 10-crab bag and possession limit and restrict to one the number of individuals that may operate a pot. The proposed fishery would concentrate all fishing for Tanner crab in PWS within the Valdez Nonsubsistence Area. Surveys indicate the deeper waters of this area provide important habitat for reproducing Tanner crab.

A positive C&T would have to be found by the BOF prior to authorizing a subsistence fishery. An ANS would have to be discussed for Tanner crab in Cook Inlet (referred to RC 7). There are two options: a) develop an ANS based on old information or b) wait for 3 years and develop one after that harvest information is available.

Federal Subsistence: No comments

Department of Law: No comments

Support:

- No public participants

Opposition:

- No public participants

POSITIONS AND RECOMMENDATIONS

ADF&G Position: Opposed

AC Positions: No participants

Public Panel Recommendation: No participants

Board Committee Recommendation: No action based on Proposal 363

Substitute Language: See substitute language in 361 and 363

PROPOSAL 364 - 5 AAC 77.557. Personal use king crab fishery; and 5 AAC 77.557. Personal use Tanner crab fishery. Open personal use crab fishery in Prince William Sound.

Allow personal use crab fishery in Prince William Sound.

Staff Reports: RC 2, Tab 5, Tab 20

Staff Comments: RC 2, pg 60

AC Reports: RC 1, RC 21

Timely Public Comment: RC 1

Record Comments: RC 7, RC 8, RC 14, RC 33, RC 37

Narrative of Support and Opposition:

Department: The proposal seeks to open personal use king and Tanner crab fisheries by requiring the department to establish minimum stock levels for each species, that would clearly identify the levels at which fisheries could open. The department currently lacks the data to allow development of a management plan with thresholds for king or Tanner crabs.

A positive C&T would have to be found by the BOF prior to authorizing a subsistence fishery. An ANS would have to be discussed for Tanner crab in Cook Inlet (referred to RC 7 and RC 8). There are two options: a) develop an ANS based on old information or b) wait for 3 years and develop one after that harvest information is available.

Federal Subsistence: No comments

Department of Law:

Support:

- No public participants

Opposition:

- No public participants

POSITIONS AND RECOMMENDATIONS

ADF&G Position: Opposed

AC Positions: No participants

Public Panel Recommendation: No participants

Board Committee Recommendation: No action based on Proposals 361 and 363

Substitute Language: See substitute language in 361 and 363

PROPOSAL 365 - 5 AAC 77.557. Personal use king crab fishery; and 5 AAC 77.557. Personal use Tanner crab fishery. Open personal use crab fishery in Prince William Sound.

Allow personal use crab fishery in Prince William Sound.

Staff Reports: RC 2, Tab 5, Tab 20

Staff Comments: RC 2, pg 60

AC Reports: RC 1, RC 21

Timely Public Comment: RC 1

Record Comments: RC 7, RC 8, RC 14, RC 33, RC 37

Narrative of Support and Opposition:

Department: The proposal seeks to open personal use king and Tanner crab fisheries by requiring the department to establish minimum stock levels for each species, that would clearly identify the levels at which fisheries could open. The department currently lacks the data to allow development of a management plan with thresholds for king or Tanner crabs.

A positive C&T would have to be found by the BOF prior to authorizing a subsistence fishery. An ANS would have to be discussed for Tanner crab in Cook Inlet (referred to RC 7 and RC 8). There are two options: a) develop an ANS based on old information or b) wait for 3 years and develop one after that harvest information is available.

Federal Subsistence: No comments

Department of Law:

Support:

- No public participants

Opposition:

- No public participants

POSITIONS AND RECOMMENDATIONS

ADF&G Position: Opposed

AC Positions:

Public Panel Recommendation:

Board Committee Recommendation: No action based on Proposals 361 and 363

Substitute Language: See substitute language in 361 and 363

RC 47

Alaska Board of Fisheries
RE: Proposal 377

March 5, 2008

Request by:
Crewman's Association
PO BOX 451
Kodiak, AK 99615

AK BOF Chairman Morris & Members,

Proposal 377 - The CR crab program was designed to protect the biological concerns as to ensure the sustainability of the Bering Sea crab resources. Safety was another one of the factors that was attributed to rationalizing the BS crab fisheries. The result was the gifting of economic allocations to a small group of vessel owners that are for the most part not active participants in prosecuting the fishery.

How does this proposal protect the sustainability of the resource? If Proposal 377 has merits to protect the resource then we are happy to support it, otherwise we must oppose it if there are no conservation methods to be reaped.

The crewmen that actually prosecute this fishery are the true stewards of the fisheries if they so choose to be, and provide necessary information on how fisheries should be managed. We have great concerns with removing the pot limit and tag requirements, on the basis of conservation concerns, second because of safety problems that may arise with crews, and third from data gather measures that may be diminished.

I personally observed multiple strings of gear that were not pulled for ten to twelve days while we were prosecuting the 2007 red king crab fishery. Our concerns are those of bycatch of groundfish, deadloss of weak crab, and mortality of any species that is left in the pot due to the gear not being hauled in a substantial amount of time.

The fact is that less gear is being used in the Red King Crab fishery, so why would one not reduce the pot limit instead of allow more pots to be fished?

Our major concern is that of **SAFETY**. If the board allows an unlimited amount of pots top be fished, it could easily alleviate the

safety on board vessels. If cooperative vessels are allowed to pull unlimited amount of pots, then the crews may be subject to fishing in dangerous conditions. As an example, the processors have scheduled deliveries that push vessels to be at the dock to deliver at a set time. This proposal would enable the vessel operators to pull an unlimited amount of gear that is fishing on the grounds in his cooperative. The crew may then be forced to pull gear without enough rest to make it to the dock on time for their delivery date. This may also pressure crews to work in weather that is unsafe, as a result, if the pot limit was eliminated.

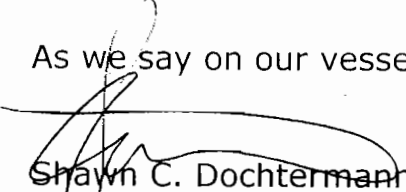
It's very important to seek best data possible to help sustainability of the BS crab resources. We're would hate to see the Bering Sea become a free for all, where boats are just pulling random strings of pots, and not providing the best data to track the crab fisheries.

There is an argument from the vessel owners about fines levied and legal action from tags loss. We'd like to see the BOF work with Dept of Law to reduce the tag loss fines to something like a fix-it ticket and establish a \$10 to \$25 fine and reduce the legal action to non-criminal.

It would be advisable to allow Proposal 376 to be passed, as the Opilio and Tanner crab fisheries have needs with regards to greater amounts of gear. We'd request that Proposal 377 be modified to reduce fines and lawful action, but keep the pot limit and tag requirements. In 2 years an analysis could be done to revisit if a pot limit is necessary, after biological and safety concerns are addressed.

We appreciate the BOF's consideration on amending Proposal 377.

As we say on our vessels, "safety first".


Shawn C. Dochtermann
Crewman's Association-Secretary
Kodiak, AK

Re: Proposal 359 - Cook Inlet Tanner RC48

- The Homer A/C strongly supports opening a sport/personal use Tanner crab fishery in our area, but we just as strongly believe the July opening date is much too early. Long local experience in the sport and commercial crab fishery has shown that the beautiful new-shell crab caught in July and August are nearly devoid of meat.
- Commercial fisheries were moved back to November - January for this season, and we consider it to be wanton waste of a very limited resource to kill crab just because it won't interfere with their reproduction.

Many of us would also like to see the season close January 1, to minimize losses due to handling in cold weather and pots lost to ice. Thank you
MHW PETERS

RC49

George Inlet Lodge / Experience Alaska Tours

Ketchikan, AK

March 6, 2008

Dear Committee Member,

Attached is pertinent Alaska Code and regulations concerning commercial fishing. Our quick review of these laws and regulations seem to exclude the "ecotourism" that George Inlet Lodge is engaged in. As review George Inlet Lodge currently has a tour where we cruise part of George Inlet, showing our visitors the beautiful scenery and at one point stop in a bay and pull a crab pot to show our visitors what a live Dungeness crab looks like, while teaching your visitor about the life of Dungeness crab. Those crabs are all released and returned to the bay. We then continue the cruise and end with an "all you can eat" Dungeness crab meal.

We understand that when these laws and regulations were pasted that ecotourism was probably not considered or even heard of then. We feel these regulations were drawn up to regulate and protect the habitat of Dungeness crab. We also are in full support of that protection and support the commercial crabber in Alaska.

It should be noted that we do not **harvest or take** any Dungeness crab during this process.

We would support the development of regulations to supervise ecotourism in the future.

As a point of interest we believe we are the largest user (consumer) of Dungeness Crab in the State of Alaska. Loosing our ability to do this cruise and show the Dungeness crab to our visitors would close our business down and cause use huge finical hardship and significant losses.

Respectfully submitted,

Carstens and Patricia Jasper

O - 907-225-6077, C - 907-254 -3060

20 AAC 05.110. Permit required to possess fish or shellfish

(a) It is unlawful for any person to possess, within water subject to the jurisdiction of the state, any fish or shellfish, taken for a commercial purpose, aboard a fishing vessel commonly used for taking that species of fish or shellfish unless the person has in that person's possession a valid interim-use or entry permit card to take the fish or shellfish in that person's possession with the gear with which the vessel is equipped unless waived by the commission for good cause.

(b) As used in this section, a "commercial purpose" includes any sale, purchase, trade, gift, or any portion of a commercial transaction.

Chapter 16.43. REGULATION OF ENTRY INTO ALASKA COMMERCIAL FISHERIES

Article 01. ALASKA COMMERCIAL FISHERIES ENTRY COMMISSION

Sec. 16.43.010. Purpose and findings of fact.

(a) It is the purpose of this chapter to promote the conservation and the sustained yield management of Alaska's fishery resource and the economic health and stability of commercial fishing in Alaska by regulating and controlling entry of participants and vessels into the commercial fisheries in the public interest and without unjust discrimination.

(b) The legislature finds that commercial fishing for fishery resources has reached levels of participation, on both a statewide and an area basis, that have impaired or threaten to impair the economic welfare of the fisheries of the state, the overall efficiency of the harvest, and the sustained yield management of the fishery resource.

This is under FAQ's

Commercial Crewmember Information

A person engaged in commercial fishing shall obtain a commercial fishing license. Commercial Fishing means an individual who fishes commercially for, takes, or attempts to take fish, shellfish, or other fishery resources of the state by any means, and includes every individual aboard a boat operated for fishing purposes who participates directly or indirectly in the taking of these raw fishery products, whether participation is on shares or as an employee or otherwise; however, this definition does not apply to anyone aboard a licensed vessel as a visitor or guest who does not directly or indirectly participate in the taking; and the term "commercial fisherman" includes the crews of tenders or other floating craft used in transporting fish. Persons who need to obtain a crew member license include persons handling fishing gear, the cook, the engineer and any crewmembers who assist in maintenance, navigation, and operation of the vessel.

**ALASKA BOARD OF FISHERIES
SUPPLEMENTAL MATERIALS
March 6, 2008**

RC 50

Submitted by: Linda Kozak
P. O. Box 2684 – Kodiak, Alaska 99615 – 907-539-5585

Proposal 383

The proposal is to increase the harvest limits for the Eastern and Western Aleutian Islands golden king crab fisheries.

In reviewing the proposal, as well as listening to testimony and participating in the committee which addressed this proposal, I have prepared a recommendation for board consideration.

If the board determines that affirmative action on this proposal is warranted, there are a few options to consider.

1. Determine a set percentage as a defined increase until the model is completed and the fishery is moved into a different category under the OFL definitions. The suggested percentage by the individual making the proposal is 10%, which seems to be very reasonable.
2. Request that the department create a harvest strategy based on catch per unit of effort (CPUE) and begin to manage the fishery under a harvest strategy for the 2008/2009 season.
3. Stipulate a conservative harvest strategy for the department to utilize in setting total allowable catch (TAC) limits for the season, based on the previous season's CPUE. An example is shown below with increments of 10% for the increase.

| <u>CPUE RATE</u> | <u>EAST</u> | <u>WEST</u> | <u>TOTAL</u> |
|------------------|-------------|-------------|--------------|
| 7-15 | 3,000,000 | 2,700,000 | 5,700,000 |
| 16-20 | 3,300,000 | 2,970,000 | 6,270,000 |
| 21-25 | 3,630,000 | 3,267,000 | 6,897,000 |

The current harvest limit has been the same for 12 years with no adjustment and a CPUE of 8-10 was considered reasonable. All indications are that the health of the fishery is very strong and catch rates have been on the increase for nearly ten years, with the 2006/07 fishery experiencing a CPUE rate of 23. The approach outlined in option #3 seems to be a sensible and conservative method of determining the TAC.

It is recommended that when the golden king crab model is completed and being used for stock assessment purposes, the board consider reviewing the harvest strategy with the added information provided by the model.

RC51



ALASKA DEPARTMENT OF FISH AND GAME

DIVISION OF COMMERCIAL FISHERIES

MEMORANDUM

TO: Wayne Donaldson
Regional Shellfish Management Biologist
Region IV - Kodiak

DATE: July 17, 2007

PHONE: (907) 581-1239

FAX: (907) 581-1572

FROM: Barbi J. Failor-Rounds
Assistant Area Management Biologist
Region IV - Dutch Harbor

Subject: 2007/08 Aleutian Islands
Golden King Crab TACs

INTRODUCTION

This memo summarizes information used to establish golden king crab total allowable catch (TAC) for the 2007/08 fishing season in the eastern and western Aleutian Islands. TACs are apportioned 90% to individual fishing quota (IFQ) harvests; the remaining 10% is allocated to community development quota (CDQ) in the eastern Aleutian Islands and to the Adak community allocation in the western Aleutian Islands. Portions of Tables 2, and 6 are confidential and should be handled as such if parts of this memo are released to the public.

Prior to the 1996/97 season, the Aleutian Islands king crab fisheries were managed as two distinct areas: the Dutch Harbor Area (east of 171° W longitude) and the Adak Area (west of 171° W longitude). In 1996, the Alaska Board of Fisheries noted that the management boundary at 171° W longitude apparently bisected a single stock of golden king crab. At that meeting, the Board combined the Dutch Harbor and Adak Areas into a single management area. The Board also directed the department to conservatively manage golden king crab, east and west of 174° W longitude, based on distribution, as two distinct stocks. Prior to combining the two management areas, the Dutch Harbor Area had been managed on the basis of fishery performance with the historic average landings providing an informal harvest guideline. The Adak Area was formerly managed under a size-sex-season (3-S) policy.

To establish the 2007/08 TACs, fishery data, observer data, survey data and tag recovery information were used in reviewing stock status, previously established guideline harvest levels (GHLs), and TACs. Fishery data were examined for CPUE and geographic harvest trends. Observer data were examined for size composition of retained and discarded crabs, shell-condition of male and female crabs, stock composition, and reproductive condition of female crabs.

During the 1996/97 – 2004/05 seasons all fishing vessels carried observers at all times while fishing. With the implementation of crab rationalization beginning with the 2005/06 season, observer coverage was reduced as follows. Catcher-only vessels are required to carry an observer for 50% of the total golden king crab harvest by each vessel during each of three trimesters (August 15 to November 15, November 16 to February 15, and February 16 to May 15; 5 AAC 39.645(d)(4)(A)(ii & iii)). Catcher-processor vessels are required to carry an observer for 100% of the harvest. Observer coverage continues to be pay-as-you-go.

EAST OF 174° W LONGITUDE

For the eastern Aleutian Islands, defined as waters east of 174° W longitude, the 1996/97 season GHL was 3.2 million pounds. The 3.2 million pound GHL was arrived at by doubling the previous 5-year (1991/92 to 1995/96) average harvest of 1.6 million pounds from the former Dutch Harbor Area (east of 171° W long), to account for the additional crab habitat added to the eastern Aleutian Islands in 1996. The news release in 1996 indicated that the 1996/97 GHL was based on doubling the average harvest from 1991/92 to 1995/96, however a fish ticket search in 2001, of the 1991/92 to 1995/96 seasons, indicated an average annual harvest of only 1.5 million pounds rather than 1.6 million pounds.

The 1996/97 GHL of 3.2 million pounds for all waters east of 174° W long was a reduction from the previous 5-year (1991/92 to 1995/96) average harvest of 4.36 million pounds for the waters east of 174° W long. The GHL established in 1996 was intended to meet the Board's directive to manage the waters between 171° and 174° W longitude more conservatively and consistent with the historical management of the area east of 171° W longitude (the old Dutch Harbor Area).

A trend of declining CPUE during the 1997/98 season, coupled with information from tag returns during that season, indicated that fishery mortality in this area was near the maximum rate allowed under the Fishery Management Plan for Bering Sea/Aleutian Islands King and Tanner Crabs. To prevent exceeding federal overfishing definitions, the 1998/99 GHL was reduced to 3.0 million pounds and has remained at this level.

From the 1996/97 to the 2004/05 season, the duration of the eastern fishery decreased from 115 to 14 total fishing days, while harvest ranged from 2.8 to 3.5 million pounds. During the same time period, seasonal catch per unit of effort for legal male crab (CPUE) and weekly number of pot pulls increased, possibly indicating that the fleet was becoming more efficient.

A Leslie estimator of stock size for the 1996/97 and 1997/98 seasons was performed prior to the 1998/99 season. The Leslie estimator indicated that the population of legal males decreased slightly between the two years and that the fleet was harvesting between 34% and 43.5% of the legal male population annually. The Leslie estimator assumes that fishery CPUE decreases linearly as the season progresses. In the 1998/99 and 1999/00 fisheries, fishery CPUE increased near the end of the season, thus no estimates were performed for those years. While the Leslie estimator indicates that a large portion of the legal males were removed in the 1996/97 and 1997/98 seasons, fishery CPUEs in the shorter 1998/99 – 2001/02 seasons increased from the 1997/98 season, indicating that the population of legal males may have increased. The Leslie calculations were not performed using the 2000/01 – 2006/07 data.

Since the 1996/97 season, legal-male CPUE has quadrupled to 25 crabs per pot lift in the 2005/06 and 2006/07 seasons (Table 1). Legal-male CPUE during the 2006/07 season is high relative to the nine years leading up to rationalization.

The 2006/07 season was open August 15 through May 15, and participants harvested 99.7% of the TAC. With the implementation of rationalization, the number of vessels fishing is less than half of the pre-rationalization fleet size, and the number of pots used by the rationalized fleet is 52% of recent non-rationalized fisheries. The 2006/07 fleet utilized 8% fewer pots than used in the 2005/06 season, but 6% more pots lifts.

During the 2000/01 to 2006/07 seasons, the same geographic areas were fished in the eastern Aleutian Islands (Table 2). During the five seasons leading up to rationalization 80% of the annual harvest occurred in waters from 170° W long to 173° W long. With rationalization, 90% of the annual harvest was taken from this area. Effort in pot pulls has shown a similar trend. Comparing the distribution of the 2006/07 season harvest to the 2005/06 season harvest indicates that harvests in waters from 171° W long. to 174° W long increased by 35%, and decreased by 22% in waters from 169° W long. to 171° W long.

Average CPUE during the two rationalized fisheries (2005/06 & 2006/07) shows high CPUE of legal males/pot. Prior to rationalization, gear competition and the number of participants likely led some harvesters to set some pots in less than ideal locales. Recent consolidation of the fleet and reduced gear competition has allowed the current fleet to set pots in the more historically productive areas. Higher CPUEs in recent years may be due to less between-pot competition or the fleet limiting harvest to the more productive areas.

A portion of the golden king crab stock east of 174° W longitude is subject to a triennial survey. However, the survey only covers the historically important waters between 170° 21' and 171° 33' W longitude. Comparing survey CPUE over the four surveys (1997, 2000, 2003, 2006) indicates that legal males are relatively stable, ranging from 2.9 to 4.7 legal/pot (Table 3). Sublegal males declined from a CPUE of 50 in 1997 to 12 in the 2003 and 2006 surveys. Female CPUE declined from 59 in 1997 to 17 in 2006. Crabs tagged during the survey are recaptured in the commercial fishery to estimate minimum harvest rate. In the 1997/98 season, 20.3% of legal males tagged in 1997 were recaptured; 20.1% of legal males tagged in 2000 were recovered during the 2000/01 season; 10.5% of the legal males tagged in 2003 were recovered during the 2003/04 season; and 7.4% of the legal males tagged in 2006 were recovered during the 2006/07 season. Most of the tags recovered during the fishery are recovered by observers. However, after the 2004/05 season, observer coverage declined from 100% coverage by regulation to only 66.5% and 68.5%, respectively, of the harvests during the 2005/06 and 2006/07 seasons. That reduction influenced the tag recovery rate during the 2006/07 season from prior years when observer coverage was 100%; adjusting for the reduction in observer coverage, the 7.4% recovery rate in the 2006/2007 season would be comparable to a recovery rate of 10–11% in a season with 100% coverage. More crabs were harvested in the area east of 174° W longitude during the 1997/98 and 2000/01 seasons than during the 2003/04 and 2006/07 seasons and that, along with other factors influencing recovery rates (including distribution of fishing effort) could account for some of the reduction in recovery rates from the 1997/98 and 2000/01 seasons to the 2003/04 and 2006/07 seasons. However, the decreasing trend in recovery rates also suggests some increase in the abundance of legal males over that period. Of the legal males tagged during the previous three

survey years, overall tag recapture percentage through the 2006/07 season were 29.0% of those tagged in 1997, 23.9% of those tagged in 2000, and 22.3% of legal males tagged in 2003.

Observer data, collected from both measure and count pots, indicate that legal males constituted 24% of the catch in 1996/97 through the 1998/99 seasons and 50% in 2004/05 (Table 4). During the two rationalized seasons, the percentage of legal males increased to at least 61% of the catch. Over the past five seasons, legal males have comprised an increasingly larger proportion of the male crab catch. Sublegal males accounted for 43% of the total catch in 1998/99 and declined to 20% in 2006/07 under the rationalized fishery. Females constituted 39% of the catch in 1996/97 and declined to 19% in 2006/07.

Estimated average total crab per pot has ranged from 44 crabs/pot in the 1998/99 season to 24 crabs/pot during the 1996/97 season (Table 4). The average total number of crabs per pot was highest in 1998/99 when the CPUE of sublegal males and females was highest. The 2006/07 season averaged 41 total crabs per pot. Longer soak times during the recent rationalized fisheries likely contributes to the higher catch rates of legal males and lower catch rates of both sublegal and female crabs. The longer soak time may have allowed greater time for escapement of sublegal and female crab and perhaps higher CPUE of legal male crab.

Although the estimated CPUE of sublegal males during the fishery has shown a declining trend since the late 1990s (Figure 1, top panel), the CPUE of pre-recruit-1 males (sublegal males ≥ 21 mm CL) has remained stable over the years (Figure 1, bottom panel); the decrease in CPUE of sublegal males is due to decreases in the CPUE of sublegal males < 21 mm CL (Figure 1, bottom panel). The sharp increase in CPUE of legal males in recent seasons would not be expected from the stability of the CPUE of pre-recruit-1 males. That would suggest that much of the increase in legal CPUE has been due to changes in fishing practices. Similarly, stability in the pre-recruit-1 male CPUE would not be expected from a decreasing trend in the CPUE of smaller sublegals, suggesting that the decrease in CPUE of smaller sublegals may also be due to changes in fishing practices.

The percent of legal males that are "recruit-sized" (< 151 mm CL) has been declining in both fishery and survey data (Table 5, Figure 2); that trend is consistent with the increase in average weight in recent years. The trend in percent of legal males that are "recruit-sized" provides no indication of a recruitment event that could explain the sharp increases in legal CPUE that occurred between the 2003/04 and 2004/05 seasons or between the 2004/05 and 2005/06 seasons.

Female and male size-composition data from observer sampling are presented in Figures 3 and 4. Average carapace length of female crabs ranged from 111 mm to 119 mm during the five seasons leading up to rationalization. During the 2005/06 season average carapace length of female crab increased to 120 mm, and increased to 127 mm during the 2006/07 season.

Since the 2000/01 season, average annual carapace length of legal male crabs has generally been increasing, ranging from 147 mm (2000/01 to 2001/02 seasons) to 151 mm (2005/06 season). During the 2006/07 season, the average carapace length of legal male crabs was 152 mm.

Average size of sublegal males from the 2000/01 to 2004/05 seasons ranged from 119 to 123 mm carapace length. During the 2005/06 and 2006/07 rationalized seasons, the average increased to 125 mm carapace length.

Soak time in the Aleutian Islands east of 174° W long., declined from an average of 4.5 days during the 1997/98 to 2001/02 seasons, to 4 days in 2002/03 and 3.7 days in 2004/05. As anticipated, crab rationalization increased average soak time. During the rationalized 2005/06 season, average soak time increased to 14 days, but decreased during the 2006/07 season to 11.6 days.

Reproductive condition of females can be an indicator of stock status in king crab populations, and reduced female fecundity has been associated with stock crashes in other crab fisheries. Assessment of trends in reproductive condition of golden king crabs is difficult due to asynchronous mating and a prolonged period of barren condition between hatching and extrusion of the next clutch. Additionally, reproductive maturity status of female king crabs cannot be determined by external inspection. However, since 1997/98, observer data indicate between 63 and 75% of all bycatch females were mature as evidenced by the presence of eggs or empty egg cases and between 39.1 and 54.1% were carrying eggs. During the 2006/07 fishery 71.5% of the females were mature as evidenced by the presence of eggs or empty egg cases and 65.3% were carrying eggs. Thus, there is no negative trend in female reproductive condition.

WEST OF 174° W LONGITUDE

The GHJ of 2.7 million pounds for the western Aleutian Islands has been in effect since 1996/97. The 2.7 million pound GHJ was determined on the basis of the preceding 5-year (1990/91 through 1994/95 seasons) average harvest in the waters west of 174° W longitude (note: fish ticket search in 2001 indicates a 5-year, 1990/91 through 1994/95, average of 2.67 million pounds). The fishery was open year-round (GHJ not achieved) from 1996/97 through the 1999/00 seasons. From the 2000/01 through the 2004/05 seasons, the fishery closed by emergency order when the GHJ was achieved. Season length decreased from a 286-day fishery in 2000/01 to a 141-day fishery in 2004/05. Under rationalization, the 2005/06 and 2006/07 seasons lasted from August 15 until May 15. Participants harvested 98% of the 2005/06 Western Aleutian Islands golden king crab TAC, but only 84% of the 2006/07 TAC. A stipulation in federal regulation requires that 25% of western Aleutian Islands A share IFQ be delivered west of 174° W long. Due initially to the lack of an operational processor in that area, then to the lack of matching processor shares, 16% of the TAC went unharvested in 2006/07.

Golden king crab are not surveyed in the western Aleutian Islands. The legal-male CPUE in 1998/99 was 11 and declined to seven in the 1999/00 fishing season (Table 1). However, total harvest was approximately 50% lower during the 1998/99 season than the 1999/00 season. CPUE of legal males from 1999/00 to 2002/03 was seven to eight crabs per pot and increased back up to 12 crabs per pot during the 2004/05 season. With the implementation of Crab Rationalization the CPUE of legal males increased to 21 during the 2005/06 season then decreased to 19 during the 2006/07 season.

Soak time recently increased in the western Aleutian Islands from an average of 10.2 days during the 1997/98 to 2002/03 seasons to 13.4 days in 2003/04 and 11.6 days in 2004/05. During the 2005/06 rationalized fishery, average soak time more than doubled to 24 days. During the 2006/07 season, average soak time decreased to 19 days.

In the western Aleutian Islands, recent harvest by longitude is provided in Table 6. From the 2000/01 to the 2004/05 seasons 77% to 90% of the annual harvest was taken from 178° W long., to 174° E long. During the two rationalized seasons 96% of the annual harvest was taken from this area. From the 2000/01 to the 2004/05 seasons 6% to 15% of the annual harvest was taken from 174° W long., to 178° W long. During the two rationalized seasons harvest from this area declined to 4% or less. From the 2000/01 to the 2004/05 seasons 3% to 9% of the annual harvest was taken from 174° 00' E long., to 170° E long. During the two rationalized seasons there was only 5,600 pounds taken from this area.

Female and male size composition data is presented in Figures 5 and 6. Average carapace length of female crab ranged from 123-128 millimeters during the 2000/01 to 2005/06 seasons and was 132 millimeters during the 2006/07 season.

Average carapace length of retained legal-male crabs was between 145 and 147 millimeters from 2000/01 to 2005/06 seasons. During the 2006/07 season average carapace length for the legal retained catch was 149 millimeters. Sublegal males under 93 mm carapace length comprised 2.7% of the sublegal males measured during the 2004/05 season and only 0.3% of those measured during the 2006/07 rationalized season. This lower retention rate of small sublegal males could be due to increased soak times allowing more escapement. Sublegal males retained by pots from 1998/99 to 2005/06 seasons have ranged from 121-126 mm average carapace length, and during the 2006/07 season the average was 128 mm carapace length.

Average weight of legal males for the 2006/07 season was 4.3 pounds, higher than the previous six years, when legal males averaged 3.9 to 4.2 pounds each.

Observer data, collected from both measure and count pots, indicate that legal males accounted for 21% of the total catch in 1996/97 and increased to 57% during the 2006/07 season (Table 7). Sublegal males comprised 37% of the total catch in 1998/99 and declined to 22% during the 2006/07 season. Females comprised 45% of the total catch in 1996/97 and have declined 21% during the 2006/07 season.

Estimated average total crab per pot ranged from 25 crabs/pot in the 2001/02 season to 43 crabs/pot during the 2005/06 season. The 2006/07 season averaged 42 total crabs per pot, the second highest in the last nine years. Both sublegal male and female CPUE remained fairly constant since the 1999/00 season (Figure 7, top panel).

A moderate increasing trend since the 1999/00 season in the estimated CPUE of sublegal males (Figure 7, top panel), is due mainly to moderate increases in the CPUE of pre-recruit-1 males (sublegal males ≥ 21 mm CL; Figure 7, bottom panel). CPUE of smaller sublegals (<121 mm CL) has been relatively stable. The increase in CPUE of pre-recruit-1 males is slight, however, in comparison with the increase in CPUE of legal males that occurred between the 2004/05 and 2005/06 seasons. That would suggest that much of the increase in legal CPUE has been due to changes in fishing practices.

The percent of legal males that are 'recruit-sized' has been declining in recent seasons (Table 5, Figure 8); that trend is consistent with the increase in average weight in recent years. The trend in percent of legal males that are "recruit-sized" provides no indication of a recruitment event that could explain the sharp increase in legal CPUE that occurred between the 2004/05 and 2005/06 seasons.

Since 1997/98, between 66% and 91% of all bycatch females have been mature as evidenced by the presence of eggs or empty egg cases and between 49% and 69% have been carrying eggs. During the 2006/07 fishery 87% of the females were mature as evidenced by the presence of eggs or empty egg cases and 67.6% were carrying eggs.

SUMMARY

In the Aleutian Islands east of 174° W longitude, over the last eleven seasons legal-male CPUE increased while sublegal and female CPUE decreased. Legal-male CPUE, based on fish ticket data, was 25 crabs per pot for the 2006/07 fishery. The high CPUE is likely due to many factors including, but not limited to, longer soak time during rationalized fisheries, fewer pots fished, fewer vessels participating, and perhaps a larger biomass of legal males. Sublegal male and female golden king crab occur over a wider depth range than legal crab and may not be as vulnerable to capture as legal males. Observer data on CPUE of pre-recruit-1 sublegal males and data on the percentage of legal males that are recruit-sized provides no evidence for a large recruitment of legal males in recent years. A declining trend in tag-recovery rates from the 1997–2006 tag releases is consistent with an increasing trend in legal male abundance. However, it is very unlikely that the increase in legal male abundance has been proportional to the increase in legal CPUE in recent fisheries. The abundance of legal males may be growing steadily with stable recruitment to and survival of legal males.

A review of observer size frequency data and CPUE data are used in a qualitative measure to ensure there are no adverse effects from the current constant-catch harvest strategy. Sublegal male CPUE has generally decreased since the 1999/00 season while the average size of sublegal male crab has increased. However, CPUE of pre-recruit-1 sublegals has been relatively steady. The declining trend in CPUE of the smaller sublegals is most likely attributable to the same changes in fishing practices that have resulted in the high CPUE of legal males in recent fisheries. Hence there do not seem to be conservation concerns arising from the constant-catch harvest strategy.

The constant-catch harvest strategy assumes that fishing mortality changes annually, however those changes are currently not measured in these golden king crab stocks. The constant-catch harvest strategy has provided for a stable fishery with varying levels of stock size. Over the prior nine seasons the department has not annually adjusted the GHL/TAC based on increases or decreases in CPUE. To try to extract the maximum constant yield from these stocks is inherently risky when stock size varies but there is no means to measure those changes. Under the current constant-catch harvest strategy biomass will fluctuate between high and low levels.

Currently, work is being completed on a catch-survey model that uses data from the commercial fishery and triennial surveys. Once completed, this model should provide managers with additional information to assess stock status and harvest rate.

Based on a review of fishery performance information, staff recommends no change in the eastern Aleutian Islands TAC. The 3.0 million-pound TAC has provided a stable fishery and protects against overfishing as defined in the FMP. The 2007/08 3.0 million pound TAC is apportioned as follows:

| | |
|------------------------------------|-----------|
| Individual Fishing Quota (IFQ) | 2,700,000 |
| Community Development Quota (CDQ) | 300,000 |
| Total eastern Aleutian Islands TAC | 3,000,000 |

In the Aleutian Islands west of 174° W longitude, fishery and observer data do not demonstrate a compelling reason to change the TAC from 2.7 million pounds. CPUE of legal males increased during the rationalized seasons while areas targeted by the fleet decreased. The current reduced fleet size is not fishing as many areas as they utilized prior to rationalization.

Based on observer data the legal-male, sublegal and female CPUE in 2006/07 was similar to the 2005/06 season. The size frequency of the retained catch remains stable though there appear to be fewer of the smallest pre-recruits (<93 mm CL) in the observer pot samples. CPUE of pre-recruit and female crabs are relatively stable in the commercial catch. Most commercial fishing effort occurs at depths less than 200 fathoms. Deeper than 200 fathoms, the abundance of small male and female crab is generally greater than legal males. Recent fishery data from the western Aleutian Islands implies that the stock in that area is healthy. There are no indications of a strong recruitment. Therefore staff recommends no change in the TAC for the 2007/08 season. The 2.7 million pound TAC is apportioned as follows:

| | |
|------------------------------------|-----------|
| Individual Fishing Quota (IFQ) | 2,430,000 |
| Adak Community Allocation (ACA) | 270,000 |
| Total western Aleutian Islands TAC | 2,700,000 |

Relative abundance indicators (CPUE) may fluctuate from one year to the next. However, what those fluctuations mean in terms of true stock abundance can not be determined for these unsurveyed stocks without an assessment model or a more comprehensive survey. Interpreting changes in CPUE have become more difficult with the recent rationalization of these fisheries. Since crab rationalization was implemented, fewer vessels are participating in the fisheries. In the eastern and western Aleutian Islands soak time has increased allowing more time for escape mechanisms to permit crab to exit. The longer soak time may be contributing to the lower CPUE of both female and sublegal male crabs, and the higher CPUE of legal male crab. However, with only two years of observer data it is too early to determine what the recently observed temporal and spatial harvest patterns under rationalization mean in relation to stock abundance trends.

The department's stated position prior to endorsing rationalization for unsurveyed stocks was that TACs should be set conservatively because inseason closures prior to reaching the TAC may not occur. The TACs should be attainable without impacts to the sustainability of the fishery. Lacking population abundance estimates and a population assessment model, the 1996/97 season GHL for each the areas east and west of 174° W longitude were established by using the average

of annual harvests for the previous 5 seasons as an estimate of a sustainable annual harvest. After a minor adjustment to the GHL for the area east of 174° W longitude prior to the 1998/99 season, the status quo harvest levels of 3.0-million pounds for the area east of 174° W longitude and 2.7-million pounds for the area west of 174° W longitude have been shown to be sustainable through the 2006/07 season. It is not clear, however, what harvest level above the status quo would be sustainable. Until an assessment model is developed that can provide abundance estimates and from which a harvest strategy can be developed, staff recommends that the department continue to annually assess the sustainability of the status quo TACs using all available data prior to establishment of the TACs. Staff recommends that any consideration of raising the TAC above the status quo await development and adoption of an assessment model and of a formal harvest strategy that can be applied to abundance estimates. Additionally, new overfishing definitions being developed for the North Pacific Fishery Management Council may constrain the Aleutian Islands golden king crab TAC at approximately the current level. It would not be reasonable to increase the TAC to a level that may constitute overfishing when the new overfishing levels (OFLs) are under consideration.

cc: Barnard, Bon, Bowers, Burt, Gish, McCullough, Milani, Pengilly, Schwenzfeier, Siddeek, Watson

2007/08 Aleutian Islands golden king crab
stock status and TACs

Table 1. Aleutian Islands golden king crab harvest, catch per unit effort (CPUE), and average weight of landed crabs based on fish ticket data, 1996/97 through 2006/07 season.

| Fishery Season | East of 174° W longitude | | | West of 174° W longitude | | |
|------------------------|--------------------------|-------------------|-----------------------|--------------------------|-------------------|-----------------------|
| | Harvest ^a | CPUE ^b | Avg. Wt. ^c | Harvest ^a | CPUE ^b | Avg. Wt. ^c |
| 1996/97 | 3,262,516 | 6 | 4.5 | 2,591,720 | 6 | 4.2 |
| 1997/98 | 3,501,054 | 7 | 4.5 | 2,444,628 | 7 | 4.3 |
| 1998/99 | 3,247,863 | 9 | 4.4 | 1,691,385 | 11 | 4.1 |
| 1999/00 | 3,069,886 | 9 | 4.3 | 2,768,902 | 7 | 4.1 |
| 2000/01 | 3,134,079 | 10 | 4.5 | 2,884,682 | 7 | 4.1 |
| 2001/02 | 3,178,652 | 12 | 4.4 | 2,740,054 | 7 | 4.0 |
| 2002/03 | 2,821,851 | 12 | 4.4 | 2,640,604 | 8 | 4.0 |
| 2003/04 | 2,977,055 | 11 | 4.6 | 2,688,773 | 10 | 4.0 |
| 2004/05 | 2,886,817 | 18 | 4.5 | 2,684,842 | 12 | 3.9 |
| 2005/06 ^{d,e} | 2,866,602 | 25 | 4.6 | 2,653,716 | 21 | 4.2 |
| 2006/07 ^{d,e} | 2,992,010 | 25 | 4.6 | 2,270,334 | 19 | 4.3 |
| Average | 3,085,308 | 13 | 4.5 | 2,550,876 | 10 | 4.1 |

^aHarvest in pounds, deadloss included.

^bAverage number of legal male crabs per pot lift.

^cIn pounds.

^dRationalized season.

^eIncludes Individual Fishing Quota (IFQ) and Community Development Quota (CDQ) harvest.

2007/08 Aleutian Islands golden king crab
stock status and TACs

Table 2. Eastern Aleutian Islands golden king crab harvest in pounds by one degree longitude intervals, 2000/01 to 2006/07 season.

| Longitude ^a | 2000/01 | 2001/02 | 2002/03 | 2003/04 | 2004/05 | 2005/06 ^b | 2006/07 ^b |
|------------------------|------------------|------------------|------------------|------------------|------------------|----------------------|----------------------|
| 166° W - 167° W | | | | | | | |
| 167° W - 168° W | | | * | | | | |
| 168° W - 169° W | * | * | * | * | * | | |
| 169° W - 170° W | 334,013 | 417,866 | 341,557 | 402,714 | * | * | * |
| 170° W - 171° W | 921,921 | 1,266,506 | 1,341,220 | 1,278,377 | 1,242,269 | 1,333,247 | 1,117,541 |
| 171° W - 172° W | 789,422 | 662,068 | 471,870 | 523,709 | 649,098 | 549,176 | 978,504 |
| 172° W - 173° W | 838,525 | 601,322 | 440,315 | 488,293 | 502,616 | 670,620 | 622,382 |
| 173° W - 174° W | * | * | * | * | * | * | * |
| Total | 3,134,079 | 3,178,652 | 2,821,851 | 2,977,055 | 2,886,817 | 2,866,602 | 2,992,010 |

^aHarvest by one degree longitude; for example from 166° 00' W long to 166° 59.99' W long.

^bRationalized season.

*Confidential Data.

Table 3. Catch per unit effort (CPUE; number of crabs per pot lift) of legal males, sublegal males, and females in the 1997–2006 ADF&G Aleutian Islands golden king crab triennial pot survey for 61 stations fished in common over all four surveys (62 stations were fished in common over all four surveys, but data from one of those stations is not included due to excessive soak time and inability to sample entire catch in 2006 survey).

| Survey Year | Legal Males | Sublegal Males | Females |
|-------------|-------------|----------------|---------|
| 1997 | 4.7 | 49.7 | 58.6 |
| 2000 | 3.1 | 30.7 | 32.7 |
| 2003 | 2.9 | 11.9 | 10.5 |
| 2006 | 4.3 | 11.9 | 17.2 |

Table 4. Percent catch composition and average catch per unit effort (CPUE) of legal males, sublegal males, and females in pots randomly sampled by observers during the Aleutian Islands golden king crab CDQ and IFQ fishery east of 174° W longitude.

| Fishery Season | % Catch Composition | | | Average CPUE | | | |
|----------------------|---------------------|----------------|---------|--------------|----------------|---------|--------|
| | Legal Males | Sublegal Males | Females | Legal Males | Sublegal Males | Females | Totals |
| 1996/97 | 24 | 37 | 39 | 6 | 9 | 9 | 24 |
| 1997/98 | 24 | 37 | 39 | 7 | 11 | 12 | 30 |
| 1998/99 | 24 | 43 | 33 | 10 | 19 | 15 | 44 |
| 1999/00 | 30 | 38 | 32 | 9 | 13 | 11 | 33 |
| 2000/01 | 29 | 40 | 31 | 10 | 16 | 13 | 39 |
| 2001/02 | 40 | 37 | 23 | 11 | 13 | 10 | 34 |
| 2002/03 | 42 | 31 | 27 | 13 | 11 | 11 | 35 |
| 2003/04 | 45 | 30 | 25 | 11 | 8 | 8 | 27 |
| 2004/05 | 50 | 29 | 21 | 19 | 11 | 8 | 38 |
| 2005/06 ^a | 69 | 20 | 11 | 28 | 8 | 5 | 41 |
| 2006/07 ^a | 61 | 20 | 19 | 25 | 8 | 8 | 41 |

^aRationalized season.

Table 5. Percent of legal males that were recruit-sized (<151 mm CL) in pots randomly sampled by observers and in samples of retained legal males during the Aleutian Islands golden king crab fishery east and west of 174° W longitude, 1996/97–2006/07, and in pots fished during the triennial ADF&G Aleutian Islands golden king crab pot survey, 1997–2006.

| Fishery Season | East | | | West | |
|----------------|---------------------|------------------------|--------|---------------------|------------------------|
| | Fishery Pot Samples | Fishery Retained Catch | Survey | Fishery Pot Samples | Fishery Retained Catch |
| 1996/97 | 67% | 65% | – | 74% | 71% |
| 1997/98 | 70% | 69% | 76% | 73% | 69% |
| 1998/99 | 71% | 66% | – | 79% | 75% |
| 1999/00 | 71% | 72% | – | 76% | 71% |
| 2000/01 | 69% | 70% | 82% | 77% | 64% |
| 2001/02 | 70% | 63% | – | 79% | 72% |
| 2002/03 | 67% | 66% | – | 81% | 76% |
| 2003/04 | 64% | 64% | 72% | 77% | 74% |
| 2004/05 | 63% | 64% | – | 80% | 74% |
| 2005/06 | 55% | 52% | – | 72% | 66% |
| 2006/07 | 51% | N/A ^a | 57% | 64% | N/A ^a |
| Average | 65% | 65% | 72% | 76% | 71% |

^aRetained catch summary from 2006/07 season not available.

Table 6. Western Aleutian Islands golden king crab harvest in pounds by one degree longitude intervals, 2000/01 to 2006/07 season.

| Longitude ^a | 2000/01 | 2001/02 | 2002/03 | 2003/04 | 2004/05 | 2005/06 ^b | 2006/07 ^b |
|------------------------|------------------|------------------|------------------|------------------|------------------|----------------------|----------------------|
| 174° W - 175° W | 18,722 | * | * | * | * | | |
| 175° W - 176° W | 43,035 | * | * | * | 17,087 | | |
| 176° W - 177° W | 118,283 | * | 54,114 | 58,449 | 26,300 | * | * |
| 177° W - 178° W | 250,059 | 129,811 | 145,681 | 117,275 | 124,558 | * | * |
| 178° W - 179° W | 755,351 | 468,166 | 386,811 | 312,765 | 368,013 | * | 462,507 |
| 179° W - 180° | 314,882 | 357,873 | * | 279,834 | 313,699 | * | 212,473 |
| 179° E - 180° | * | 606,390 | 552,857 | 425,281 | * | * | 494,200 |
| 178° E - 179° E | * | * | * | * | * | * | 172,750 |
| 177° E - 178° E | * | 175,384 | * | * | * | * | 140,216 |
| 176° E - 177° E | 133,959 | 173,278 | * | * | * | * | * |
| 175° E - 176° E | 270,588 | 370,392 | * | * | * | * | * |
| 174° E - 175° E | 189,054 | 128,061 | * | * | * | * | * |
| 173° E - 174° E | * | * | * | * | * | | |
| 172° E - 173° E | * | * | * | * | * | | * |
| 171° E - 172° E | * | * | * | * | * | | |
| 170° E - 171° E | * | * | * | * | | | |
| Total | 2,884,682 | 2,740,054 | 2,640,604 | 2,688,773 | 2,684,842 | 2,653,716 | 2,270,334 |

^aHarvest by one degree longitude; for example from 174° 00' W long to 174° 59.99' W long.

^bRationalized season.

* Confidential Data.

Table 7. Percent catch composition and average catch per unit effort (CPUE) of legal males, sublegal males, and females in pots randomly sampled by observers during the Aleutian Islands golden king crab CDQ and IFQ fishery west of 174° W longitude.

| Fishery Season | % Catch Composition | | | Average CPUE | | | |
|----------------------|---------------------|----------------|---------|--------------|----------------|---------|--------|
| | Legal Males | Sublegal Males | Females | Legal Males | Sublegal Males | Females | Totals |
| 1996/97 | 21 | 34 | 45 | 6 | 9 | 12 | 27 |
| 1997/98 | 26 | 32 | 42 | 7 | 8 | 11 | 26 |
| 1998/99 | 25 | 37 | 38 | 11 | 15 | 15 | 41 |
| 1999/00 | 25 | 34 | 41 | 6 | 8 | 10 | 24 |
| 2000/01 | 24 | 35 | 41 | 7 | 10 | 12 | 29 |
| 2001/02 | 27 | 35 | 38 | 7 | 9 | 9 | 25 |
| 2002/03 | 30 | 36 | 34 | 8 | 10 | 9 | 27 |
| 2003/04 | 40 | 32 | 28 | 9 | 9 | 9 | 27 |
| 2004/05 | 37 | 36 | 27 | 11 | 11 | 10 | 32 |
| 2005/06 ^a | 55 | 26 | 19 | 22 | 12 | 9 | 43 |
| 2006/07 ^a | 57 | 22 | 21 | 21 | 10 | 11 | 42 |

^aRationalized season.

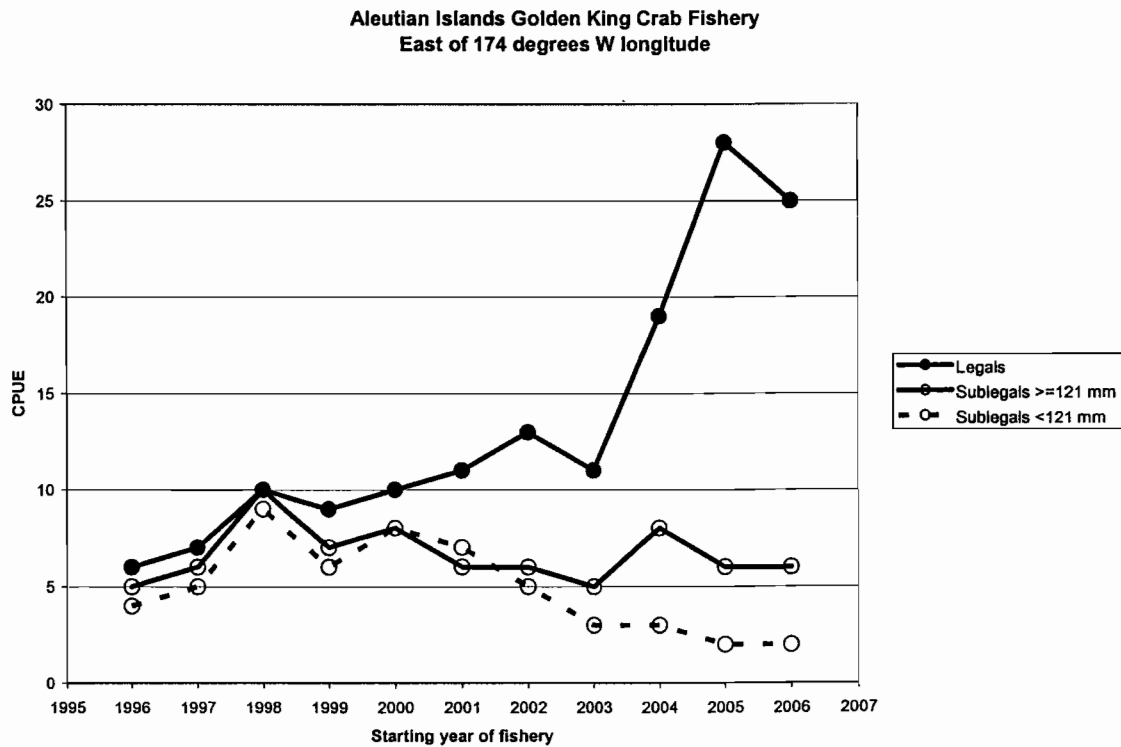
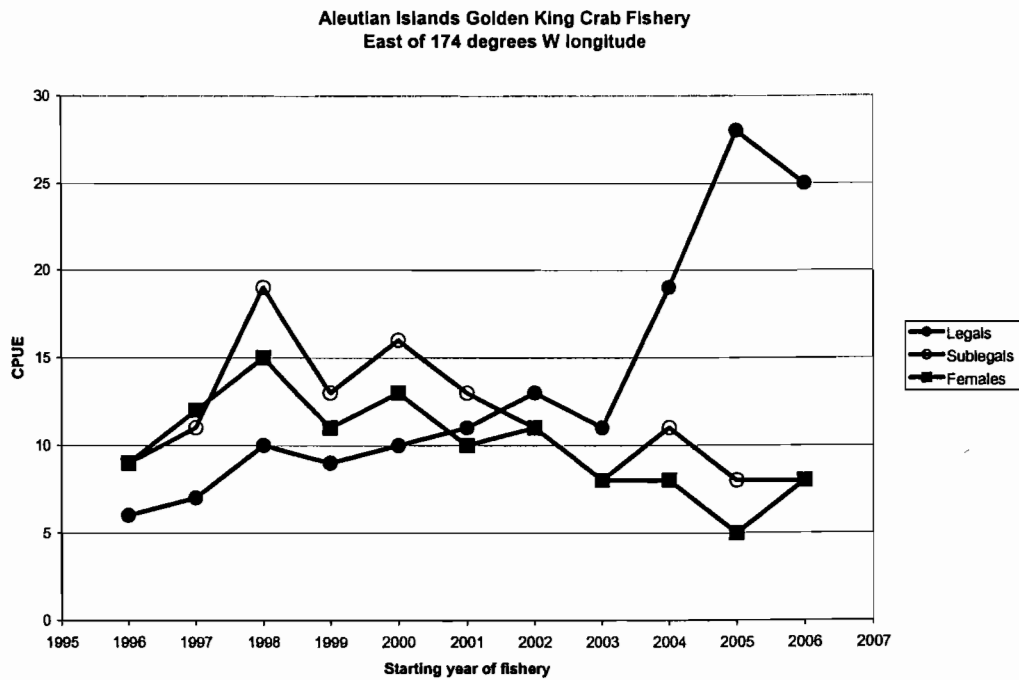


Figure 1. Catch per unit effort of legal males, sublegal males, and females (top panel) and of legal males, sublegal males ≥ 121 mm CL, and sublegal males < 121 mm CL (bottom panel) in the Aleutian Islands golden king crab fishery east of 174° W longitude, 1996/97–2006/07 seasons, as estimated from contents of pots randomly sampled by observers.

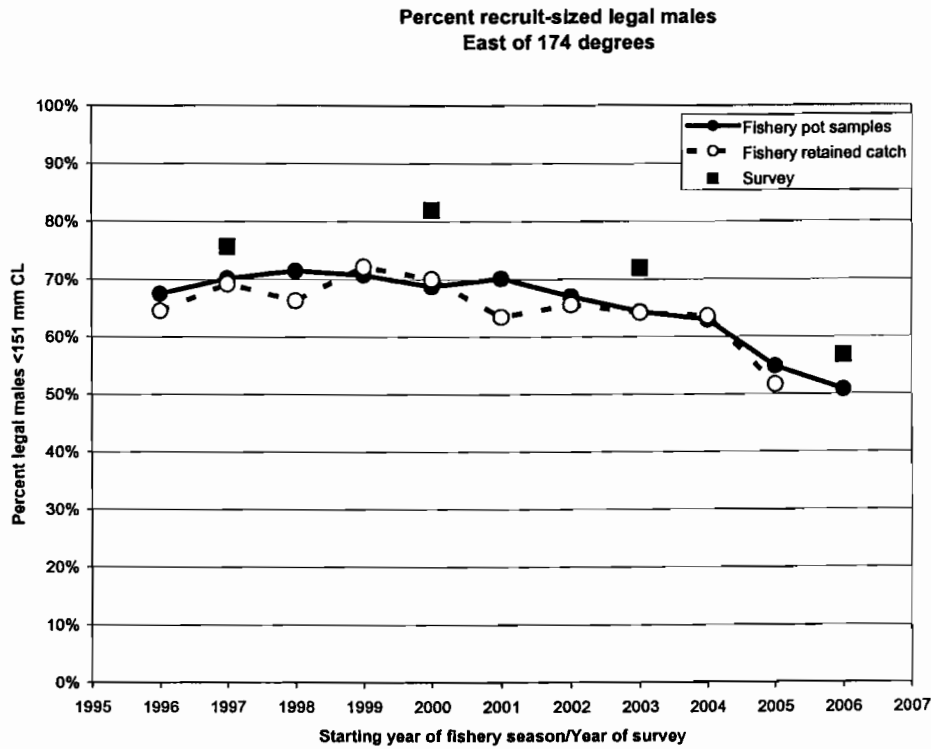


Figure 2. Percent of legal males that were recruit-sized (<151 mm CL) in pots randomly sampled by observers and in samples of retained legal males during the Aleutian Islands golden king crab fishery east of 174° W longitude, 1996/97–2006/07, and in pots fished during the triennial ADF&G Aleutian Islands golden king crab pot survey, 1997–2006.

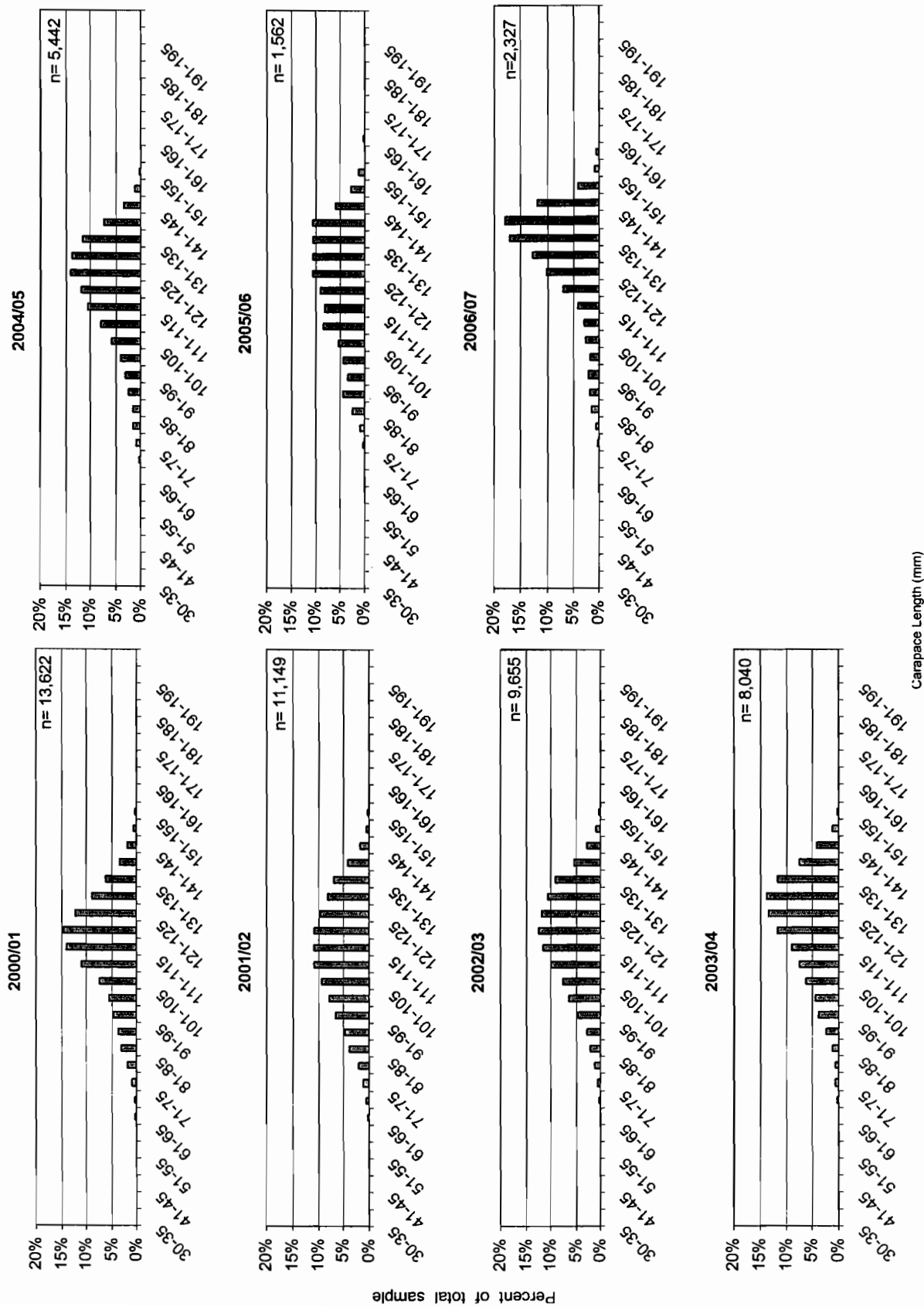


Figure 3. Aleutian Islands east of 174° W long. female golden king crab catch composition, 2000/01 – 2006/07.

2000 Aleutian Islands golden king crab
stock status and TACs

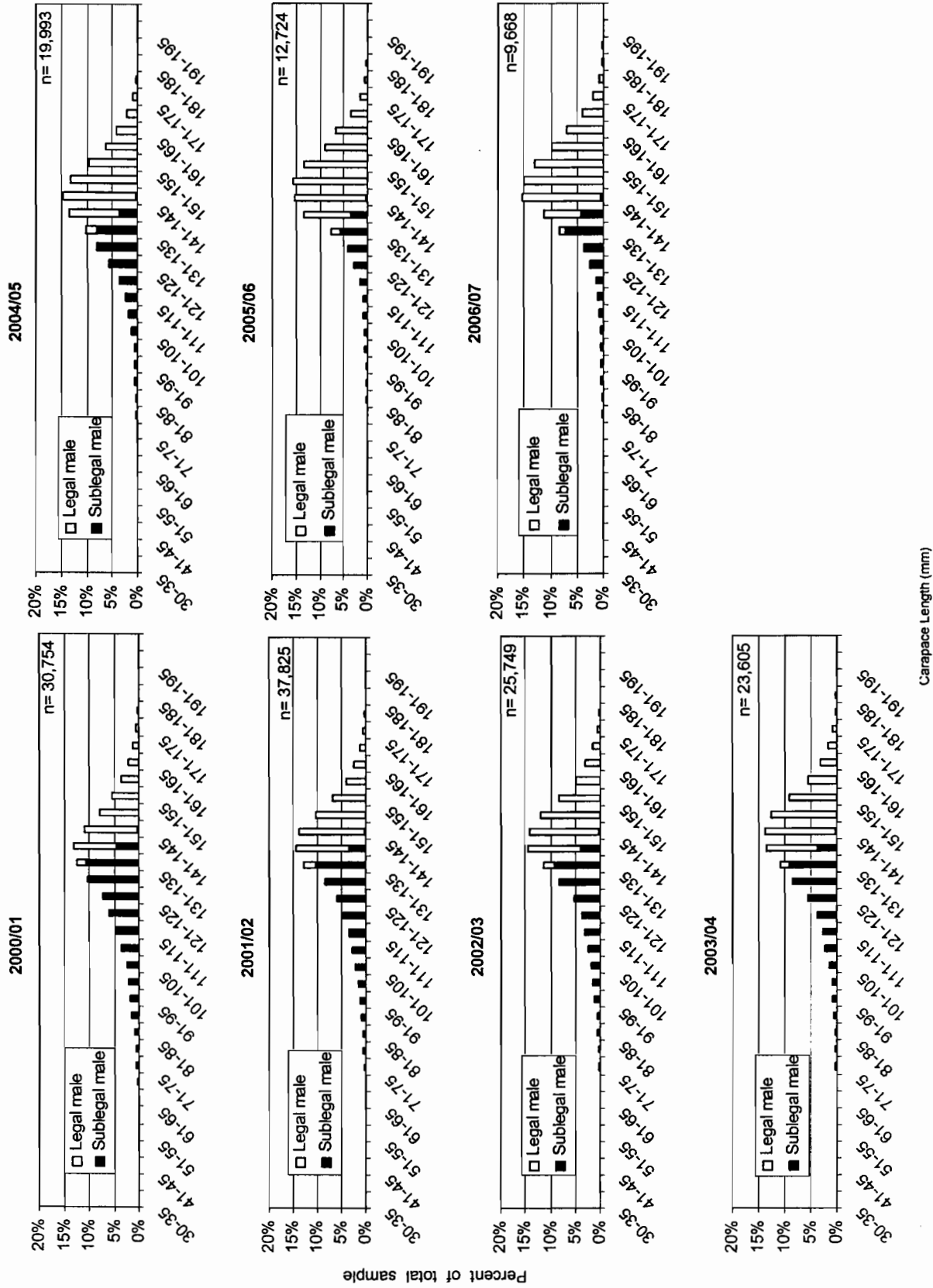


Figure 4. Aleutian Islands east of 174° W long. male golden king crab catch composition, 2000/01-2006/07.

2007 Aleutian Islands golden king crab
stock status and TACs

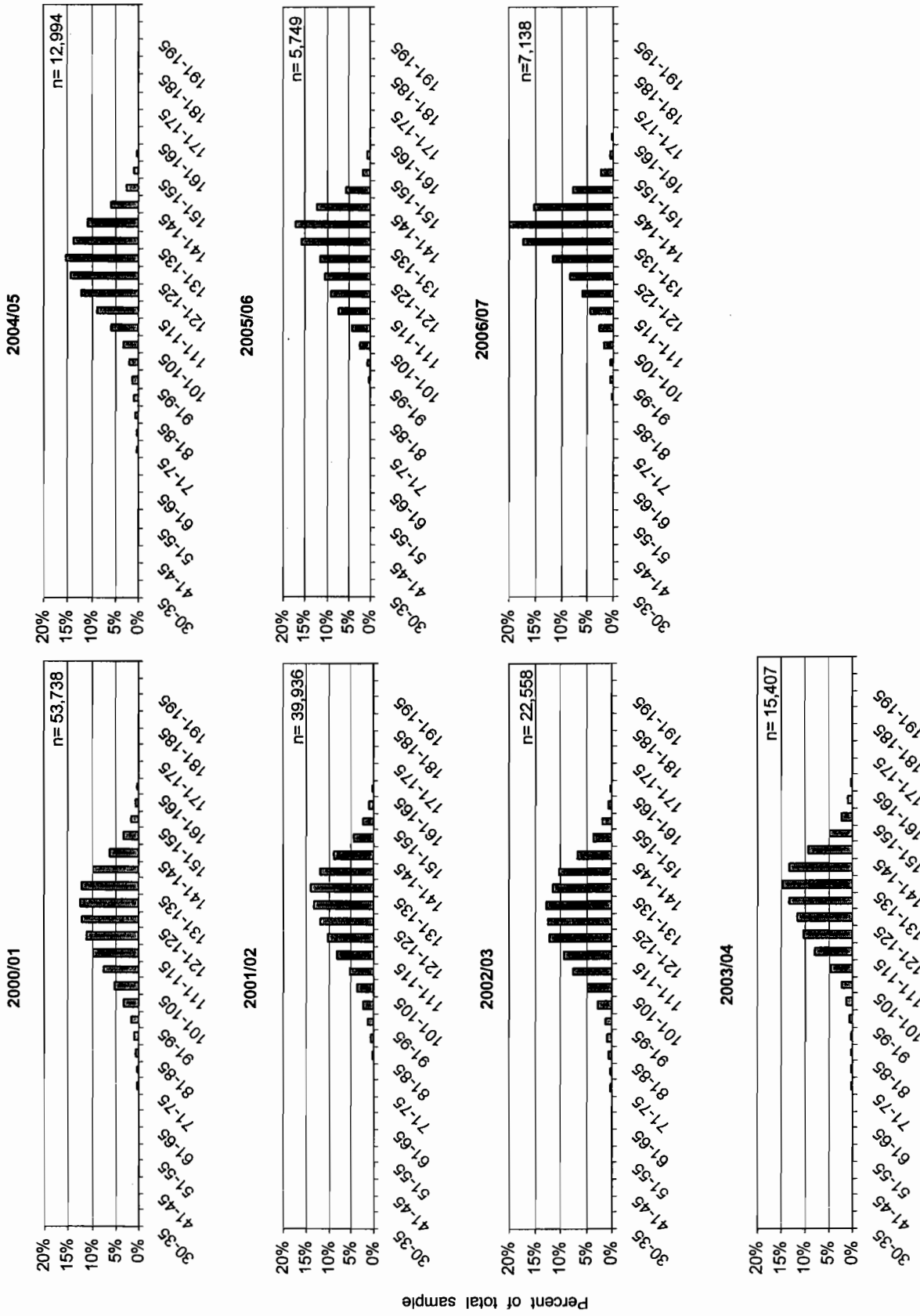


Figure 5. Aleutian Islands west of 174° W long. female golden king crab catch composition, 2000/01 – 2006/07.

2000 Aleutian Islands golden king crab stock status and TACs

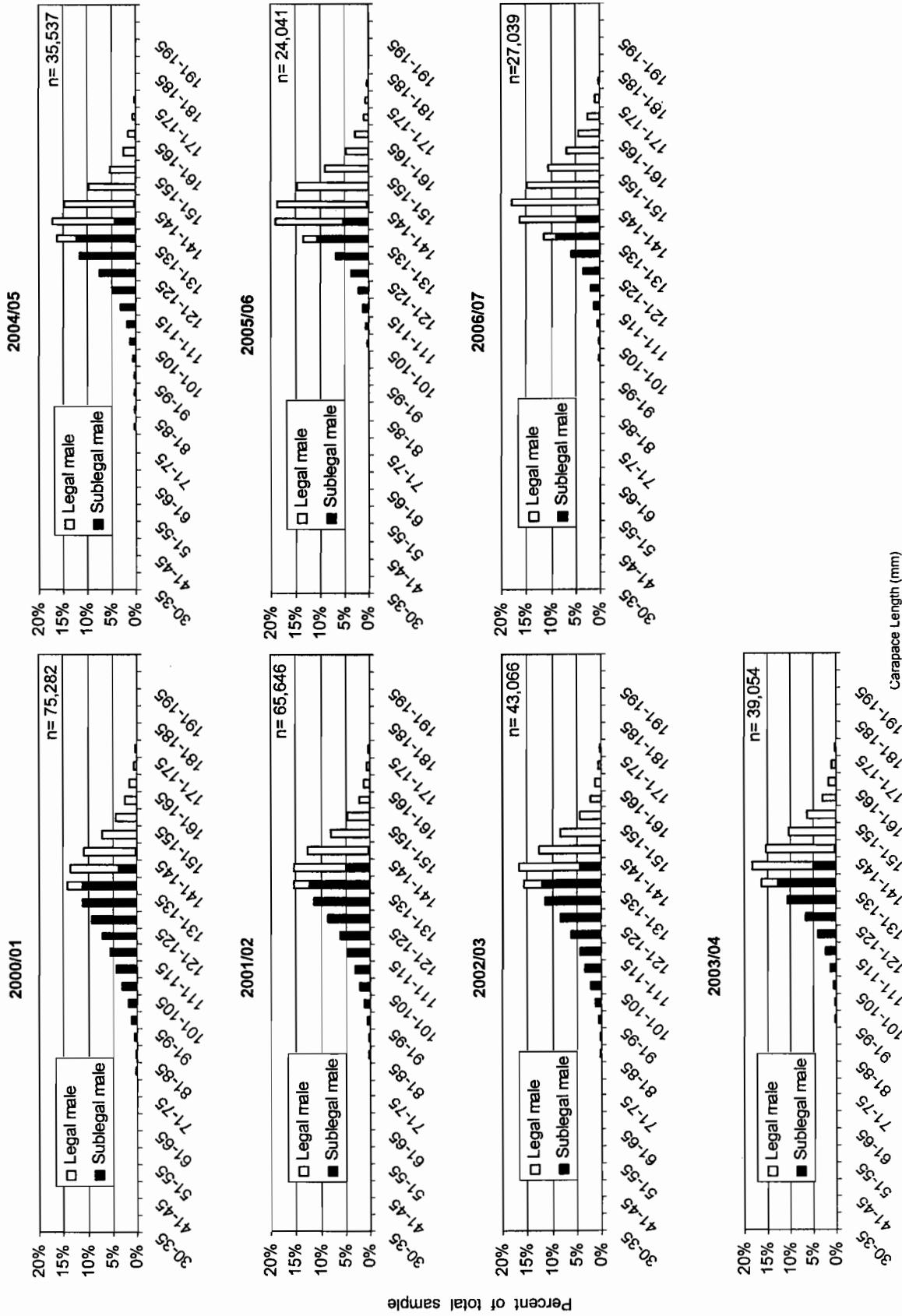


Figure 6. Aleutian Islands west of 174° W long. male golden king crab catch composition, 2000/01 – 2006/07.

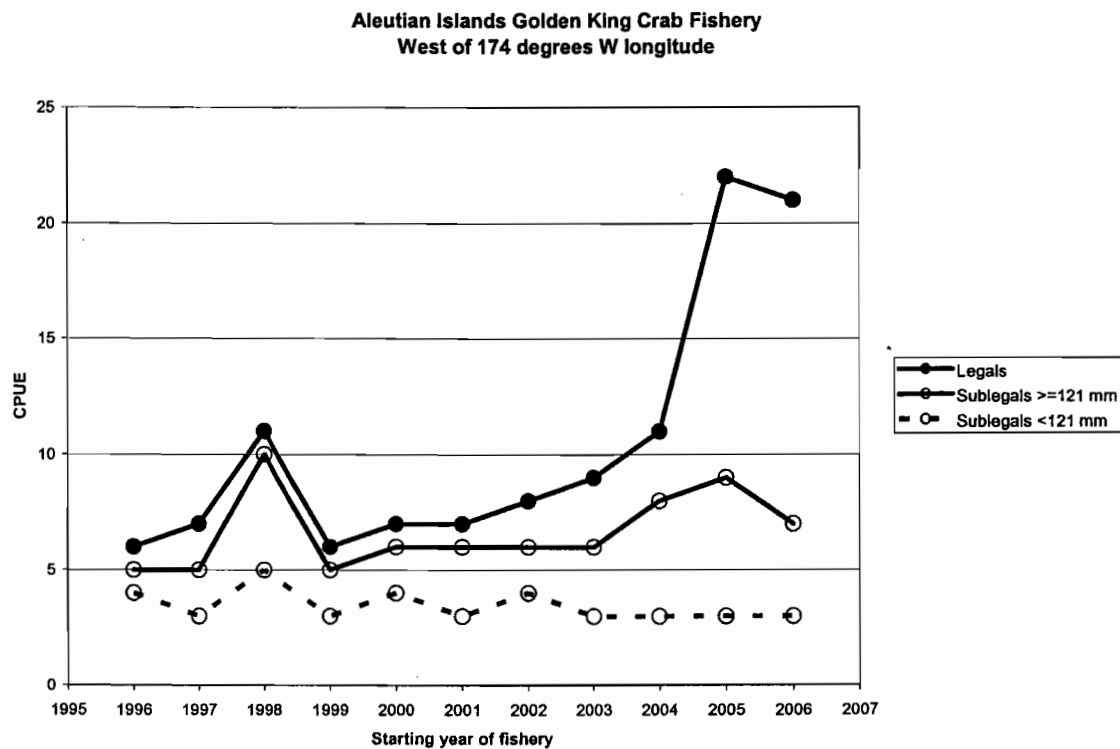
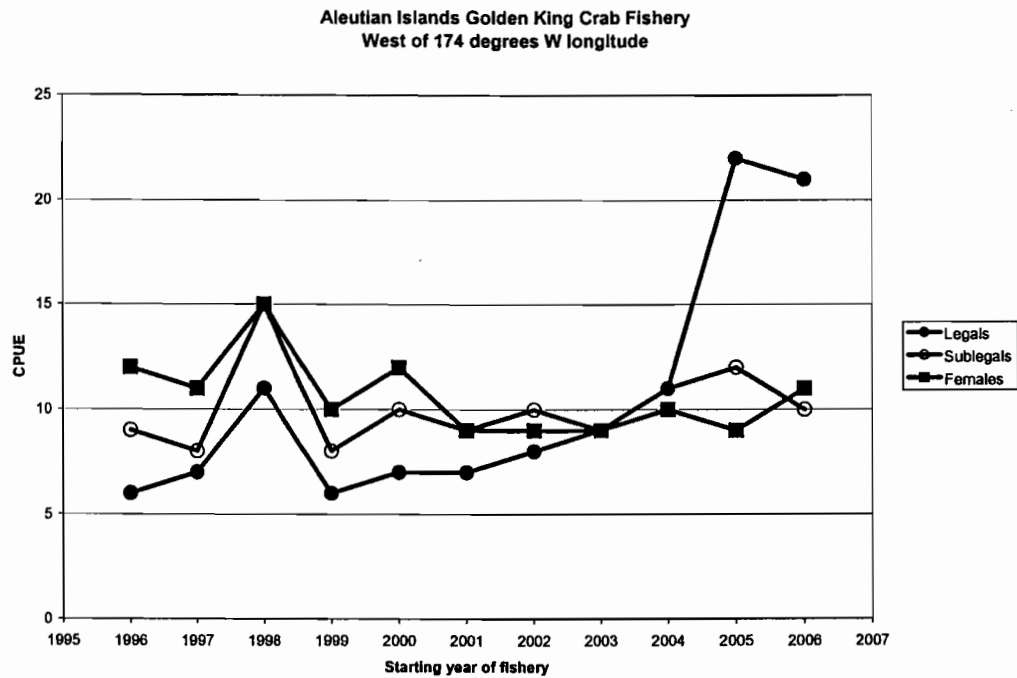


Figure 7. Catch per unit effort of legal males, sublegal males and females (top panel) and of legal males, sublegal males ≥ 121 mm CL, and sublegal males < 121 mm CL (bottom panel) in the Aleutian Islands golden king crab fishery west of 174° W longitude, 1996/97–2006/07 seasons, as estimated from contents of pots randomly sampled by observers.

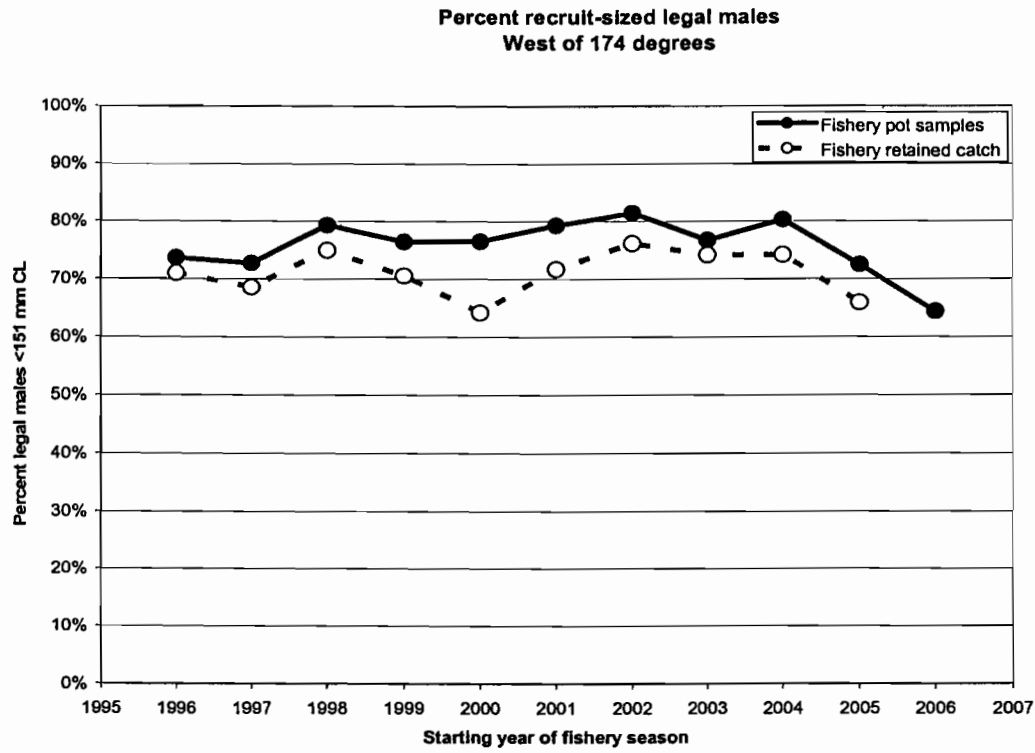


Figure 8. Percent of legal males that were recruit-sized (<151 mm CL) in pots randomly sampled by observers and in samples of retained legal males during the Aleutian Islands golden king crab fishery west of 174° W longitude, 1996/97–2006/07.

Proposal 383

Amended language:

Increase the harvest level for Aleutian Islands golden king crab to 3.15 million pounds east of 174° W Long., and 2.835 million pounds west of 174° W Long. until the Aleutian Inlands golden king crab stock assessment model can be established.

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UNALASKA/DUTCH HARBOR FISH AND GAME ADVISORY COMMITTEE

March 6, 2008

Mel Morris, Chairman
Alaska Board of Fisheries
Anchorage, Alaska

Subject: Comments on Committee Reports A and B by Frank Kelty, Chair Unalaska/Dutch Harbor Advisory Committee.

Committee A Report,

#368 BSAI King and Tanner Crab CDQ Fisheries Management plan, we concur with the committee report as written.

#369- Shellfish Onboard Observer Program, we concur with the committee report as written.

#370- Areas T, Q, O, and J Registration Areas, we concur with the committee report as written.

#371- Fishing Seasons for Registration for Area J, we concur with the committee report as written.

#372- BSAI IFQ Fisheries Management Plan, we concur with the committee report as written and support the substitute language developed by the committee for this proposal.

#373- Area J Registration and Lawful Gear for Area J, we concur with the committee report as written and support the substitute language developed by the committee for this proposal.

#374- BSAI IFQ Crab Fisheries Management Plan, we concur with the committee report as written and support the substitute language developed by the committee for this based on the language in proposal #372.

#375- BSAI IFQ, CDQ, and Adak Community, Crab Fisheries Management Plan, we concur with the committee report as written and support the substitute regulatory language for this proposal.

#376- Lawful Gear for Registration Area J and Tanner Crab Pot Marking Requirements, we concur with the committee report as written and support the substitute language developed by the committee.

#387 5 AAC 34.910 Fishing Seasons for Registration Area Q and 5AAC 34.519 (b) Norton Sound Red King Crab Harvest Strategy, we concur with the committee report as written including substitute language.

#388, 5 AAC 34.915 (b) Norton Sound Red King Crab Harvest Strategy, we concur with the committee report as written.

#389 5AAC 34.920 (d) Size Limits for Registration Area Q, we concur with the committee report as written, including substitute language.

#390 5 AAC34.925 (b) (d) Lawful Gear for Registration Area Q, we concur with the committee report as written including substitute language.

#391 5 AAC 34.925 (b) (d) Lawful Gear for registration Area Q and 5 AAC 02.607 Subsistence Fishing Gear, we concur with the committee report as written.

Regards



Frank Kelty, Chair
Unalaska/Dutch Harbor AC

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Pribilof King Crab Harvesters

(253) 582-2580

Fax 589-0508

jstonecrab@aol.com

Mr. Mel Morris, Chairman
State of Alaska, Board of Fisheries
ADFG/Board of Fisheries Support
Juneau, Alaska
99811-5526
Via Fax 907-465-6094

March 7, 2008

**RE: Proposal 380- Develop Pribilof Red King Crab (PIK) management plan.
Comments on Committee Report A**

Report does not include the offer from the PIK Quota Share holders or "Fishers" to voluntarily consolidate their vessels down to as few as only one or two vessels, using as few as 100 pots total. "Fishers" also agreed to make civil contracts with each other and the Harvest vessels inside of Harvesting Cooperatives that would ensure immediate closure in the event of an unexpected or undesirable bycatch of Blue Crab.

Crab Rationalization is very new. This is the first Board of Fish cycle on Crab since rationalization's implementation. We feel this is an important tool that the ADF&G and the Board does not currently consider in it's management decisions, on these small and sensitive fisheries.

Report also does not include any comment from ADF&G at what population levels they would consider allowing a small fishery.

We offer our support to the Department with vessels, crew and local knowledge for any projects that will help us understand this area. The Pribilof Islands is a highly prolific and diverse area for many species of commercially caught crab, Blue King, Red King, Bairidi, Opilio and Hair Crab, not to mention the multiple ground fisheries. Yet there is very little good survey or scientific work done in the region.

Regards, Jim Stone

5 AAC 39.670. Bering Sea/Aleutian Islands Individual Fishing Quota (IFQ) Crab Fisheries Management Plan.

(b) The following fisheries are covered under the management plan in this section:

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- (1) Bristol Bay red king crab (**BBR**);
- (2) Aleutian Islands red king crab (west of 179° W. long.) (**WAI**);
- (3) Aleutian Islands golden king crab (**east of 174° W. long.**) (**EAG**);
- (4) Aleutian Islands golden king crab (west of 174° W. long.) (WAG);**
- (5) Saint Matthew Island Section blue king crab (SMB);**
- (6) Pribilof District red and blue king crab (PIK);**
- (7) Bering Sea [C. OPILIO TANNER] snow crab (BSS); [AND]**
- (8) Bering Sea [C. BAIRDI] Tanner crab (east of 166° W. long.) (EBT)[.]; and**
- (9) Bering Sea Tanner crab (west of 166° W. long.) (WBT).**

(c) The following provisions apply to the fisheries specified in this section:

(1) a vessel participating in an Individual Fishing Quota (IFQ), Community Development Quota (CDQ), or the Adak community allocation crab fishery must have on board the vessel an activated vessel monitoring system (VMS) approved by NMFS;

(2) A vessel operator who is validly registered for one of the fisheries listed in (b) (1)-(9) of this section may authorize other vessel operators who are validly registered for the same fishery to operate crab pot gear belonging to that vessel [FOR THE PURPOSES OF THIS SECTION, A CRAB FISHERY COOPERATIVE IS A COOPERATIVE APPROVED BY NMFS BY AUGUST 1 OF EACH YEAR PRECEDING THE FISHING SEASON; DURING A CRAB FISHERY COOPERATIVE],

(A) Before a vessel operator may operate crab pot gear belonging to another vessel, the registered operator of the pot gear must file a cooperative gear authorization form with the department authorizing other vessels to operate the crab pot gear; [THE MANAGER OF A COOPERATIVE MUST REGISTER THE VESSEL OR VESSELS OPERATING FOR THE COOPERATIVE WITH THE DEPARTMENT BEFORE THE COOPERATIVE BEGINS FISHING];

(B) A vessel operator who is validly registered for one of the fisheries list in (b) (1)-(9) of this section may transfer any or all gear operation rights and responsibilities to only one other vessel operator who is validly registered for that fishery under the following conditions: [A VESSEL MAY PARTICIPATE IN MORE THAN ONE CRAB FISHERY COOPERATIVE AT A TIME;

(i) both the operator of the vessel relinquishing gear operation rights and responsibilities (donor) and the vessel receiving those rights and responsibilities (recipient) must sign an affidavit giving the effective date and time of the transfer and the number of pots being transferred;

(ii) the transfer of gear operation rights and responsibilities must occur within 14 days of the donor vessel being active in the registration area where the pot gear is located;

(iii) the pot gear transfer must include all of the pot gear belonging to the donor vessel and that vessel's pot gear may not be split among more than one recipient vessel;

(iii) the affidavit must be signed by a department representative before the pot gear transfer is valid and a copy of the affidavit bearing the original signature of both donor and recipient vessel operators must be received by the department within 30 days of the effective date of the transfer as authorized a department representative. The affidavit may be submitted to the department in person, by mail to Post Office box 920587 Dutch Harbor, Alaska 99692, or by facsimile to (907) 581-1572;

(C) THE TOTAL NUMBER OF CRAB POTS DEPLOYED BY THE MEMBERS OF A COOPERATIVE MAY NOT EXCEED THE SUM OF THE CRAB POT LIMITS OF ALL VESSELS PARTICIPATING IN THE COOPERATIVE];

(3) each crab pot deployed must bear the ADF&G number of the vessel that **initially** registers the crab pot, and if **deployed** in a fishery with a crab pot limit, [THE] **each** pot must bear a buoy tag registered to the vessel registering that pot; in addition,

(A) an active vessel may collectively operate and transport crab pot gear of another registered and active vessel;

(B) when a vessel transports and deploys crab pot gear to the fishing grounds for another vessel, the vessel registered with the crab pot gear must be active in the registration area where the crab pot gear is deployed within seven days of the initial deployment;

(C) repealed 8/28/2005;

(D) a vessel's crab pot gear may not be deployed unless the vessel is actively participating in harvesting the species in the applicable area;

(E) for the purposes of this paragraph, a vessel is considered active in an area by becoming validly registered with the department and by VMS verification of the vessel in the registration area.

(F) A vessel that has completed fishing operations as defined in 5 AAC 39.675 (b) (1)-(2) is not considered active in a registration area;

(4) No provision of this section allows an individual vessel operator to utilize a greater quantity of crab pot gear than authorized in 5 AAC 34 and 5 AAC 35;

[(4)5] Vessel operators may harvest EBT and BBR or WBT and BSS concurrently;

(A) a vessel participating in [CONCURRENT FISHERIES FOR BRISTOL BAY RED KING CRAB] **the BBR fishery** [AND *C. bairdi* TANNER CRAB] may [ONLY USE ONE SPECIES ALLOCATION OF CRAB POT GEAR (POT LIMIT)]; THE PARTICIPATING VESSEL OPERATOR SHALL DESIGNATE AT THE TIME OF REGISTRATION THE QUANTITY OF POT GEAR REGISTERED AND WHETHER

THE CRAB POT GEAR IS CONFIGURED FOR RED KING CRAB OR *C. BAIRDI* TANNER CRAB] **retain EBT as incidental harvest described in 5 AAC 35.506 (i) (2);**

(B) a vessel participating in [CONCURRENT SPECIES FISHERIES FOR *C. BAIRDI* TANNER CRAB] the BSS fishery [AND *C. OPILIO* TANNER CRAB] may [ONLY USE ONE SPECIES ALLOCATION OF CRAB POT GEAR (POT LIMIT); THE PARTICIPATING VESSEL OPERATOR SHALL DESIGNATE AT THE TIME OF REGISTRATION THE QUANTITY OF POT GEAR REGISTERED AND WHETHER THE CRAB POT GEAR IS CONFIGURED FOR *C. BAIRDI* TANNER CRAB OR *C. OPILIO* TANNER CRAB]; retain WBT as incidental harvest described in 5 AAC 35.506 (i) (1);

(C) A vessel participating in the WBT fishery may retain BSS as incidental harvest described in 5 AAC 35.506 (j);

(6) a vessel operator may have a species of king or Tanner crab from an IFQ fishery and king crab from an Adak community allocation fishery or a species of king or Tanner crab from a CDQ fishery on board the vessel at the same time; a vessel operator may not have a species of king or Tanner crab from an IFQ fishery and a species of king or Tanner crab from a non-CDQ or non-IFQ fishery on board the vessel at the same time;

(7) an operator of a vessel participating in an IFQ, CDQ, or Adak community allocation crab fishery in the Bering Sea/Aleutian Islands area must notify the United States Coast Guard at least 24 hours before departing port when carrying crab pot gear;

(8) in addition to the registration requirements specified in 5 AAC 34 and 5 AAC 35, a vessel owner, or owner's agent, shall provide satisfactory proof of a current valid United States Coast Guard Commercial Fisheries Vessel Safety Decal before a registration certificate is issued;

(9) the operator of a vessel designated at the time of registration to operate the crab pot gear of another vessel shall be considered the agent of the vessel registered to operate the crab pot gear.

5 AAC 35.506. Area J Registration.

(i) In the Bering Sea District a vessel operator may register to harvest *C. bairdi* Tanner crab under the following conditions:

- (1) West of 166° W. long. in a directed WBT fishery, or as incidental harvest while the vessel operator is registered for BSS fishery. A vessel operator that is lawfully registered to fish for BSS in Bering Sea District may also retain WBT in an amount up to 5% of the weight of BSS onboard the vessel and reported on an ADF&G fish ticket.**
- (2) East of 166° W. long. as incidental harvest while the vessel operator is registered for the BBR fishery. A vessel operator that is lawfully registered to fish for BBR may also retain EBT in an amount up to 5% of the weight of BBR onboard the vessel and reported on an ADF&G fish ticket.**
- (3) In a directed EBT fishery occurring between 163° W. long. and 166° W. long.**
- (4) A vessel operator may not be concurrently registered to harvest WBT and EBT east and west of 166° W. long.**

[DURING THE FISHING SEASON FOR *C. bairdi* TANNER CRAB, A VESSEL OPERATOR REGISTERED FOR ONLY BRISTOL BAY RED KING CRAB FISHERIES CONDUCTED EAST OF 168° W. LONG. MAY NOT RETAIN *C. bairdi* TANNER CRAB. A VESSEL OPERATOR REGISTERED TO RETAIN BOTH BRISTOL BAY RED KING CRAB AND *C. bairdi* TANNER CRAB IS RESTRICTED TO FISHING EAST OF 166° W. LONG. A VESSEL OPERATOR MAY REGISTER FOR DIRECTED *C. bairdi* TANNER CRAB FISHING ONLY IN THE WATERS BETWEEN 166° W. LONG, AND 163° W. LONG.]

(j) In the Bering Sea District, a vessel operator that is lawfully registered to fish for WBT west of 166° W. long may also retain BSS in an amount up to 5% of the weight of WBT onboard the vessel and reported on an ADF&G fish ticket. [A VESSEL OPERATOR MAY REGISTER TO, AT THE SAME TIME, FISH FOR AND RETAIN *C. OPILIO* AND *C. BAIRDI* TANNER CRAB WEST OF 166° W. LONG.]

5 AAC 35.506. Area J Registration.

(i) In the Bering Sea District a vessel operator may register to harvest *C. bairdi* Tanner crab under the following conditions:

- (1) West of 166° W. long. in a directed WBT fishery, or as incidental harvest while the vessel operator is registered for BSS fishery. A vessel operator that is lawfully registered to fish for BSS in Bering Sea District may also retain WBT in an amount up to 5% of the weight of BSS onboard the vessel and reported on an ADF&G fish ticket.**
- (2) East of 166° W. long. as incidental harvest while the vessel operator is registered for the BBR fishery. A vessel operator that is lawfully registered to fish for BBR may also retain EBT in an amount up to 5% of the weight of BBR onboard the vessel and reported on an ADF&G fish ticket.**
- (3) In a directed EBT fishery occurring between 163° W. long. and 166° W. long.**
- (4) A vessel operator may not be concurrently registered to harvest WBT and EBT east and west of 166° W. long.**

[DURING THE FISHING SEASON FOR *C. bairdi* TANNER CRAB, A VESSEL OPERATOR REGISTERED FOR ONLY BRISTOL BAY RED KING CRAB FISHERIES CONDUCTED EAST OF 168° W. LONG. MAY NOT RETAIN *C. bairdi* TANNER CRAB. A VESSEL OPERATOR REGISTERED TO RETAIN BOTH BRISTOL BAY RED KING CRAB AND *C. bairdi* TANNER CRAB IS RESTRICTED TO FISHING EAST OF 166° W. LONG. A VESSEL OPERATOR MAY REGISTER FOR DIRECTED *C. bairdi* TANNER CRAB FISHING ONLY IN THE WATERS BETWEEN 166° W. LONG, AND 163° W. LONG.]

(j) In the Bering Sea District, a vessel operator that is lawfully registered to fish for WBT west of 166° W. long may also retain BSS in an amount up to 5% of the weight of WBT onboard the vessel and reported on an ADF&G fish ticket. [A VESSEL OPERATOR MAY REGISTER TO, AT THE SAME TIME, FISH FOR AND RETAIN *C. OPILIO* AND *C. BAIRDI* TANNER CRAB WEST OF 166° W. LONG.]

5 AAC 58.022 Waters; seasons; bag, possession, and size limits; and special provisions for Cook Inlet – Resurrection Bay Saltwater Area;

(11) Tanner crab: may be taken only from July 15-March 15, **except waters east of Cape Fairfield are closed**, except that when the sport fishery in the Kamishak or Barren Islands Districts are closed to the taking of Tanner crab the sport fishery in the Eastern, Outer and Central Districts shall remain closed as specified under 5 AAC 35.410 (c); bag and possession limit five male crab; minimum size is five and one-half inches across the widest part of the shell, including spines; a shellfish harvest recording form is required as specified in 5 AAC 58.026;

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Summary of Select Proposed Options.

Commercial Framework:

Emergency regulation using the commercial fishing framework to prevent or reduce economic harm to operators who have previously erroneously been issued educational permits for commercial fishing activities (ecotourism and aquariums) while preventing harm to commercial fishermen and other user groups.

Differentiates commercial adventure fishing (otherwise known as dude fishing) from ecotourism fishing.

Establishes general framework for commercial adventure fishing, ecotourism fishing. Generally allows commercial adventure fishing and ecotourism fishing within any open commercial fishery and prohibits such fisheries in areas closed to commercial fishing. Requires registration and logbook maintenance. A CFEC permit holder must be present at all times, and anyone handling gear or fish must be a CFEC permit holder or have a commercial crewmember license.

Makes it clear that a department permit is required for aquarium stocking; and with *de minimis* exceptions, generally requires aquarium stocking to occur from commercial fisheries if there is a limited fishery for a species to be stocked.

Establishes a Superexclusive Commercial Ecotourism Dungeness fishery in George's Inlet with strict pot limits and handling requirements and gives the Commissioner authority to close or further restrict the fishery if necessary to protect the resource.

New superexclusive areas for commercial ecotourism or adventure fisheries could be proposed to the Board during its regular regulatory cycle.

Guided Sport Framework:

Emergency regulation using the guided sport fishing framework to prevent or reduce economic harm to operators who have previously erroneously been issued educational permits for commercial fishing activities (ecotourism and aquariums) while preventing harm to commercial fishermen, guides, and other user groups.

Makes it clear that a department permit is required for aquarium stocking; and with *de minimis* exceptions, generally requires aquarium stocking to occur from commercial fisheries if there is a limited fishery for a species to be stocked.

Establishes an Exclusive Guided Sport Fishery in George's Inlet with strict pot limits and handling requirements and gives the Commissioner authority to close or

further restrict the fishery if necessary to protect the resource. Would provide an exception to general prohibitions on nonresident shellfish fishing and pot marking/handling requirements but with a nonretention provision and exclusive registration. Key components would include: (1) Operator, Guide and vessel licensing under 16.40.260 -16.10.470, and 5 AAC 75.075 -.077; (2) pot/lift limits (with use of sport pots marked with charter vessel # and with guides allowed to set pots); (3) everyone handling gear or fish aboard vessel required to have sport fishing license (1 day license available for \$10 and operator could become vendor) (Could also ask the commissioner to look into the possibility of adopting regulations allowing group license sales) (4) Guide/vessel registered for fishery would be unable to guide/operate in any other fishery while registered for the exclusive fishery; (5)(EO authority/close if general Sport fishery closed in area)

Approaches aquarium stocking in the same manner as the Commercial Framework option.

Partial Action/Delayed Implementation/ Commissioner Permit Framework:

Emergency regulation to make it clear that all ecotourism fishing operation and aquarium stocking operations must be permitted by the Commissioner and to establish framework limiting the Commissioner's authority to expand ecotourism and aquarium stocking fisheries, combined with later adoption of permanent regulations by the Board (this could also be done through a delegation to the Commissioner to adopt permanent regulations but should be carried out by the Board because it has significant allocative implications).

The emergency regulations would (1) make it clear that a Commissioner's educational permit is required for ecotourism operations outside of established commercial and guided sport fisheries, (2) allow the commissioner to continue to permit ecotourism fisheries in locations where such fisheries have previously occurred, but only under conditions preventing any expansion of the fisheries (i.e. no increased gear/lift allowances and if more participants apply, limit gear/lifts for each participant to prevent any net growth); provide that further permits are not be issued after the 2008 season (3) make it clear that a commissioner's permit is required for aquarium stocking, and (4) allow the commissioner to continue to issue aquarium stocking permits in areas where such permits have been issued in the past, but only under conditions preventing any expansion of the fisheries (i.e. no net increase in take, reduce per applicant take if there are more applicants).

The Board would then take up permanent regulations at a regulatory meeting immediately following its fall work session where it could adopt regulations reflecting either the commercial framework, the guided sport framework,

continued permitting by the commissioner subject to regulatory standards, or other options that might be presented by the public.

Guided Sport Framework Conceptual Changes to Regulatory Language:

Chapter 75 is amended by adding a new section to read:

5 AAC 75.085. Except as otherwise provided, guided sport ecotourism fishing may occur only as follows:

- (1) a person holding a valid sport fishing guide license registered for the fishery must be present at all times when gear or fish are being handled;
- (2) a person on board a vessel engaged in ecotourism fishing may handle gear or fish only if the person is a holder of a sport fishing license;
- (3) all requirements of the applicable sport fishery apply except that all participants must comply with rules relating to nonresidents regardless of residency and all fish must be immediately released unharmed;
- (4) a sport fishing services operator and sport fishing guide must comply with all applicable requirements.

Chapter 47 is amended by adding a new 47.050 to read:

5 AAC 47.050. George Inlet Exclusive Guided Sport Dungeness Fishery.

- (a) Notwithstanding the provisions of 5 AAC 47.036, the waters of George Inlet north of the latitude of the southernmost tip of California Head, excluding the waters of Herring cove, are open as an exclusive registration area for Dungeness crab ecotourism fishing from April 15 through September 30, subject to the requirements of this chapter and to the additional requirements of this section.
- (b) A sport fishing operator, sport fishing guide, or vessel registered for the George Inlet exclusive Dungeness crab ecotourism fishery may not participate in any other Dungeness crab fishery.
- (c) A sport fishing operator, sport fishing guide, or vessel owner may register for the George Inlet exclusive area prior to January 3 of the calendar year.
- (d) Notwithstanding 5 AAC 47.035(c) no more than two pots per vessel may be used and each pot may be lifted no more than 3 times per day; if lifted more than twice it must be removed from the water on the third lifting and not returned to the water until the next calendar day;
- (e) Notwithstanding 5 AAC 47.035(f), the name and address of each sport fisherman using the gear is not required to be inscribed on a keg or buoy; however, the vessel name, the responsible sport fishing guide's name and address, and all other information required by 5 AAC 47.035(f) is required; each pot may be lifted no more than twice during any calendar day; the guide whose name is listed on the pot, and the person pulling or setting the pot, are responsible for any violations.
- (e) All crab, except 1 legal male Dungeness crab, taken must be returned to the water unharmed immediately after being brought on board a vessel or after being removed from a pot; all bycatch must be immediately removed from the pot and released unharmed; one legal male Dungeness crab per trip may be temporarily

retained at the location of harvest for educational purposes, but must be released unharmed prior to leaving the location of harvest.

(f) No bait may be added to a pot unless all crab are first removed from the pot and released.

(g) No more than 4 crab may be left in a pot if a pot is returned to the water.

(h) The commissioner may close the fishery by emergency order, or close and immediately reopen the fishery with additional conditions by emergency order, if the commissioner determines that such closure or conditions are reasonably necessary for the protection of the resource; the commissioner shall close the ecotourism guided sport fishery if the subsistence fishery in the area is closed.

(i) Notwithstanding (c) of this section, during the 2008 calendar year, prior to April 1, a sport fishing operator, sport fishing guide, or vessel owner may register for the George Inlet exclusive ecotourism area; after registering for the exclusive area, a sport fishing operator, sport fishing guide, or vessel owner may fish for Dungeness crab in other areas.

(j) Nothing in this section is intended to prohibit any form of guided sport fishing, otherwise permissible in George Inlet under applicable regulations, by a guided sport operator, sport fishing guide, or vessel not registered for the George Inlet exclusive ecotourism Dungeness crab fishery.

5 AAC 41.001 is amended to read:

5 AAC 41.001. Application of this chapter. The provisions of this chapter govern the transportation, possession, or release of live fish transplanted for or cultivated for human consumption or sport fishing purposes, or as part of an aquaculture program for scientific, educational, or propagative purposes, and the transportation and possession of shellfish or aquatic plants for commercial purposes including aquatic farming, aquarium stocking, and guided sport ecotourism fishing. Unless specifically provided, the provisions of this chapter do not apply to the cultivation of ornamental fish.

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Deleted: Additionally, the provisions of this chapter do not apply to the transportation, possession, or release of fish taken for commercial fishing, sport, or subsistence purposes.

5 AAC 41.005 is amended to read:

5 AAC 41.005. Permit required.

(a) Except as otherwise provided, no person may transport, possess, export from the state, or release into the waters of the state, any live fish unless the person holds a fish transport permit issued by the commissioner or his authorized designee, and the person is in compliance with all conditions of the permit and the provisions of this chapter. A fish transport permit will be issued for a fixed term subject to the provisions of (c) of this section.

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- (b) A fish transport permit authorizes only that operation specified in the permit. Any change of species, broodstock, or location requires a new permit. Any other change requires an amendment to the permit.
- (c) The commissioner shall suspend the permit, or particular provisions of the permit including amendments, if he finds
- (1) on the basis of new information or changed circumstances, that the permitted activity will adversely affect the continued health and perpetuation of native, wild, or hatchery stocks of fish; or
 - (2) the permittee has failed to comply with permit terms or the provisions of this chapter.
- (d) Notwithstanding the expiration, termination or suspension of a fish transport permit, each permittee is responsible for the obligations arising under the terms and conditions of the permit, and under the provisions of this chapter.
- (e) Unless otherwise provided by regulation or emergency order, a permit is not required for transportation of sport, personal use, subsistence, or commercially caught fish from the place of harvest to a place within the state for processing or commercially caught fish to a place within the state for sale.

A new article 5 is added to read:

**Article 5
Aquarium Stocking**

- 5 AAC 41.535** Aquarium Stocking. (a) Aquarium stocking for commercial display may occur, subject to requirements of this chapter, only if authorized under a permit from the commissioner, and unless the specimens are commercially harvested, only if the commissioner determines that there is an educational component to the display.
- (b) Aquarium stocking permits may contain such terms as the commissioner deems appropriate to protect fishery resources and prevent impacts to other user groups.
- (c) Aquarium stocking permits may not be issued to any permit applicant for collection of more than 4 specimens of any single species for which there is a fishery for which the Commercial Fisheries Commission has established a maximum number or which is subject to a regulatory or statutory moratorium on entry unless the commissioner determines the purchase of live specimens from a

commercial fisherman is not practicable; additional specimens may be obtained if purchased from a commercial fisherman.

(d) Outside of established or experimental commercial fisheries, the commissioner shall not permit harvest of significant numbers of animals of any species from any area for commercial aquarium purposes.

(e) The commissioner shall not permit harvest of any species for commercial display purposes outside of an established or experimental commercial fishery if the commissioner determines that purchase of live specimens taken in a commercial fishery is practicable, or would have been practicable if properly planned. In determining whether purchase from a commercial fisherman is or would have been practicable, the Commissioner shall consider the number of specimens needed, the distance to areas where the species can be commercially harvested, and the expected lifespan of specimens held in captivity.

(f) The commissioner shall not permit harvest of any species for aquarium stocking purposes if the commissioner determines that the cumulative effects of allowing such harvest could negatively impact sport, personal use, subsistence, or commercial fisheries.

(g) The commissioner shall not permit harvest of any species for aquarium stocking purposes if the area where the harvest is proposed is closed to sport, personal use, and subsistence harvest.

(h) The commissioner shall not issue permits authorizing harvest for aquarium stocking that are effective for more than one year. The commissioner may modify or revoke permits authorizing harvest for aquarium stocking by emergency order if the commissioner determines that the terms of the permit have been violated or that the permit may be detrimental to the resource or other users.

(i) Specimens held in an aquarium may not be released to the natural waters of the state unless specifically authorized by the commissioner under the terms of a scientific or educational permit.

(j) Nothing in this section is intended to preclude the commissioner from adopting more restrictive regulations or from further restricting take for aquarium stocking by emergency order.

(k) Any facility engaged in aquarium stocking or in commercial display of fish native to Alaska, shall upon request, permit inspection by a representative of the department or a peace officer, and shall upon request provide copies of records documenting the sources of specimens on display.

(l) Nothing in this section is intended to preclude the display of fish taken under a scientific or educational permit for purposes other than display if display is also allowed under the terms of the permit.

5 AAC 41.599. Definitions. Unless the context requires otherwise, in 5 AAC 41.500-599:

(1) "aquarium stocking" means the taking of fish from the natural waters of the state or placement of fish originating from the natural waters of the state for

purposes of live display, but does not include placement of fish taken in a commercial fishery in a live tank for sale or resale;

(2) “commercial display” means a display where a fee is charged for admission to the viewing area or where viewing is limited to guests of an establishment which sells merchandise, transportation, services, or accommodations.

Commercial Framework Conceptual Changes to Regulatory Language:

5 AAC 32.106 is amended by adding a new (d) to read:

(d) The waters of George Inlet north of the latitude of the southernmost tip of California Head, excluding the waters of Herring cove, are a superexclusive registration area within Area A for Dungeness crab and are limited to ecotourism fishing as defined in 5 AAC 41.599.

A new 5 AAC 32.147 is added to read:

5 AAC 32.147. George Inlet Superexclusive Dungeness Fishery.

(a) Notwithstanding the provisions of 5 AAC 31.146, 5 ACC 32.150, and 5 AAC 41.520(5), the waters of George Inlet north of the latitude of the southernmost tip of California Head, excluding the waters of Herring cove, are open as a superexclusive registration area for Dungeness crab limited to ecotourism fishing subject to the requirements of this chapter, 5 AAC 41.520, and to the additional requirements of this section.

(b) The George Inlet Superexclusive area is open to ecotourism fishing for Dungeness Crab from April 15 through September 30, unless closed by emergency order.

(c) The holder of a Southeast Alaska Dungeness crab limited entry permit or interim use permit and a vessel owner may register for the George Inlet superexclusive area prior to January 3 and prior to fishing for Dungeness crab in any other registration area during the calendar year and subsequently may not register the permit or vessel for any other Dungeness Crab registration area during the calendar year.

(d) no more than 2 pots per permit may be used, any excess pot tags previously obtained must be returned to the department upon registration, and each pot may be lifted no more than three times during any calendar day; if lifted more than twice, on the third lift the pot shall be removed from the water and not returned to the water until the next calendar day.

(e) All crab, except 1 legal male Dungeness crab per trip, taken must be returned to the water unharmed immediately after being brought on board a vessel or after being removed from a pot; all bycatch must be immediately removed from the pot and released unharmed; one legal male Dungeness crab per trip may be temporarily retained at the location of harvest for educational purposes, but must be released unharmed prior to leaving the location of harvest.

(f) No bait may be added to a pot unless all crab are first removed from the pot and released.

(g) No more than 4 crab may be left in a pot if a pot is returned to the water.

(h) The commissioner may close the fishery by emergency order, or close and immediately reopen the fishery with additional conditions by emergency order, if the commissioner determines that such closure or conditions are reasonably necessary for the protection of the resource;

(i) Notwithstanding (c) of this section, during the 2008 calendar year, prior to May 2, a limited entry or interim use permit holder who has previously fished for Dungeness in Area A may cancel Area A registration, and register for the George Inlet superexclusive area; after registering for the superexclusive area, no further fishing may occur in other portions of Area A.

Chapter 41 is amended by adding a new Article 5 to read:

Article 5

Commercial Ecotourism, Adventure Fishing, and Aquarium Stocking

5 AAC 41.505 Except as otherwise provided, commercial adventure fishing may occur only as follows:

- (1) a person holding a valid CFEC limited entry or interim use permit registered for the fishery must be present at all times when gear or fish are being handled;
- (2) each person engaged in adventure fishing and each person aboard a vessel engaged in adventure fishing must have a valid interim use permit, limited entry permit, or crew member license;
- (3) prior to engaging in commercial adventure fishing a permit holder and vessel owner must register with the department for the relevant fishery and must specify that they will be engaged in commercial adventure fishing;
- (4) a CFEC limited entry or interim permit holder engaged in commercial adventure fishing shall keep a log book of each trip detailing the names and license or permit numbers of each person engaged in commercial adventure fishing or on board a vessel engaged in commercial adventure fishing, total catch by species, and the disposition of the catch. The logbook shall be onboard at all times when the vessel is fishing or has fish on board. Logbook information shall be provided to a peace officer or representative of the department upon request, and the complete logbook shall be provided to the department no later than December 15 of the year in which fishing occurs; if commercial adventure fishing occurs between December 15 and December 31 a supplemental logbook shall be maintained and shall be provided to the Department no later than January 10 of the following year;
- (5) commercial adventure fishing may occur only if the commercial fishery is open in the area at the time of harvest and only with gear allowed in the relevant commercial fishery;
- (6) a person may not place fish, other than bait, in gear deployed or retrieved in a commercial adventure fishery.

5 AAC 41.520. (a) Except as otherwise provided, Commercial Ecotourism Fishing may occur only as follows:

- (1) a person holding a valid CFEC limited entry or interim use permit registered for the fishery must be present at all times when gear or fish are being handled;
 - (2) a person engaged in commercial ecotourism fishing or on board a vessel engaged in ecotourism fishing may handle gear or fish only if the person is a CFEC limited entry or interim use permit holder, or a holder of a commercial crew member license;
 - (3) prior to engaging in commercial ecotourism fishing, and by January 2 of each calendar year in which fishing will occur, the a permit holder and vessel owner must register with the department for the relevant fishery and must specify that they will be engaged in commercial ecotourism fishing;
 - (4) a CFEC limited entry or interim permit holder engaged in commercial ecotourism fishing shall keeping a log book of each trip detailing the names and license or permit numbers of each limited entry or interim use permit holder and each commercial crewmember on board, each deployment or retrieval of gear, total catch by species, and the manner in which the catch is released or returned to the water. The logbook shall be onboard at all times when the vessel is fishing or has fish on board. Logbook information shall be provided to a peace officer or representative of the department upon request, and the complete logbook shall be provided to the department no later than December 15 of the year in which fishing occurs; if commercial ecotourism fishing occurs between December 15 and December 31 a supplemental logbook shall be maintained and shall be provided to the Department no later than January 10 of the following year;
 - (5) commercial ecotourism fishing may occur only if the commercial fishery is open in the area at the time of harvest and only with gear allowed in the relevant commercial fishery;
 - (6) fish may not be retained by a person or aboard a vessel engaged in commercial ecotourism fishing;
 - (7) a person may not place fish, other than bait, into gear used in the commercial ecotourism fishery.
- (b) Notwithstanding (a)(3) of this section, during the 2008 calendar year, a limited entry or interim use permit holder or vessel owner may register until May 1.

5 AAC 41.535 Aquarium Stocking. (a) Aquarium stocking for commercial display may occur, subject to requirements of this chapter, only if authorized under a permit from the commissioner, and unless the specimens are commercially harvested, only if the commissioner determines that there is an educational component to the display.

(b) Aquarium stocking permits may contain such terms as the commissioner deems appropriate to protect fishery resources and prevent impacts to other user groups.

- (c) Aquarium stocking permits may not be issued to any permit applicant for collection of more than 4 specimens of any single species for which there is a fishery for which the Commercial Fisheries Commission has established a maximum number or which is subject to a regulatory or statutory moratorium on entry unless the commissioner determines the purchase of live specimens from a commercial fisherman is not practicable; additional specimens may be obtained if purchased from a commercial fisherman.
- (d) Outside of established or experimental commercial fisheries, the commissioner shall not permit harvest of significant numbers of animals of any species from any area for commercial aquarium purposes.
- (e) The commissioner shall not permit harvest of any species for commercial display purposes outside of an established or experimental commercial fishery if the commissioner determines that purchase of live specimens taken in a commercial fishery is practicable, or would have been practicable if properly planned. In determining whether purchase from a commercial fisherman is or would have been practicable, the Commissioner shall consider the number of specimens needed, the distance to areas where the species can be commercially harvested, and the expected lifespan of specimens held in captivity.
- (f) The commissioner shall not permit harvest of any species for aquarium stocking purposes if the commissioner determines that the cumulative effects of allowing such harvest could negatively impact sport, personal use, subsistence, or commercial fisheries.
- (g) The commissioner shall not permit harvest of any species for aquarium stocking purposes if the area where the harvest is proposed is closed to sport, personal use, and subsistence harvest.
- (h) The commissioner shall not issue permits authorizing harvest for aquarium stocking that are effective for more than one year. The commissioner may modify or revoke permits authorizing harvest for aquarium stocking by emergency order if the commissioner determines that the terms of the permit have been violated or that that the permit may be detrimental to the resource or other users.
- (i) Specimens held in an aquarium may not be released to the natural waters of the state unless specifically authorized by the commissioner under the terms of a scientific or educational permit.
- (j) Nothing in this section is intended to preclude the commissioner from adopting more restrictive regulations or from further restricting take for aquarium stocking by emergency order.
- (k) Any facility engaged in aquarium stocking or in commercial display of fish native to Alaska, shall upon request, permit inspection by a representative of the department or a peace officer, and shall upon request provide copies of records documenting the sources of specimens on display.
- (l) Nothing in this section is intended to preclude the display of fish taken under a scientific or educational permit for purposes other than display if display is also allowed under the terms of the permit.

5 AAC 41.599 Definitions. Unless the context requires otherwise, in 5 AAC 41.500-599:

- (1) “aquarium stocking” means the taking of fish from the natural waters of the state or placement of fish originating from the natural waters of the state for purposes of live display, but does not include placement of fish taken in a commercial fishery in a live tank for sale or resale;
- (2) “commercial display” means a display where a fee is charged for admission to the viewing area or where viewing is limited to guests of an establishment which sells merchandise, transportation, services, or accommodations.
- (3) “commercial adventure fishing” means commercial fishing where any member of the crew is charged a fee by anyone other than the State of Alaska to serve as a crew member, but does not include commercial ecotourism fishing;
- (4) “commercial adventure fishery” means any portion of a commercial fishery that is engaged in commercial adventure fishing;
- (5) “commercial ecotourism fishing” means take of fish for compensation for nonconsumptive purposes with gear which allows live release or live return to the water, but does not include guided sport fishing;
- (6) “commercial ecotourism fishery” means any portion of a commercial fishery that is engaged in commercial ecotourism fishing;

5 AAC 41.001 is amended to read:

5 AAC 41.001. Application of this chapter. The provisions of this chapter govern the transportation, possession, or release of live fish transplanted for or cultivated for human consumption or sport fishing purposes, or as part of an aquaculture program for scientific, educational, or propagative purposes, and the transportation and possession of shellfish or aquatic plants for commercial purposes including aquatic farming, aquarium stocking, commercial adventure fishing, and commercial ecotourism fishing. Unless specifically provided, the provisions of this chapter do not apply to the cultivation of ornamental fish.

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Deleted: Additionally, the provisions of this chapter do not apply to the transportation, possession, or release of fish taken for commercial fishing, sport, or subsistence purposes.

5 AAC 41.005 is amended to read:

AAC 41.005. Permit required. (a) Except as otherwise provided, no person may transport, possess, export from the state, or release into the waters of the state, any live fish unless the person holds a fish transport permit issued by the commissioner or his authorized designee, and the person is in compliance with all conditions of the permit and the provisions of this chapter. A fish transport permit will be issued for a fixed term subject to the provisions of (c) of this section.

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(b) A fish transport permit authorizes only that operation specified in the permit. Any change of species, broodstock, or location requires a new permit. Any other change requires an amendment to the permit.

(c) The commissioner shall suspend the permit, or particular provisions of the permit including amendments, if he finds

(1) on the basis of new information or changed circumstances, that the permitted activity will adversely affect the continued health and perpetuation of native, wild, or hatchery stocks of fish; or

(2) the permittee has failed to comply with permit terms or the provisions of this chapter.

(d) Notwithstanding the expiration, termination or suspension of a fish transport permit, each permittee is responsible for the obligations arising under the terms and conditions of the permit, and under the provisions of this chapter.

(e) Unless otherwise provided by regulation or emergency order, a permit is not required for transportation of sport, personal use, subsistence, or commercially caught fish from the place of harvest to a place within the state for processing or commercially caught fish to a place within the state for sale.

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Partial Action/Delayed Action Commissioner Permit Alternative:

Chapter 41 is amended by adding a new Article 5 to read:

Article 5

Ecotourism Fishing and Aquarium Stocking

5 AAC 41.505 Ecotourism Fishing. (a) Except as otherwise provided in this section, ecotourism fishing shall be permitted only within the context of open commercial and guided sport fisheries subject to all requirements applicable to those fisheries.

(b) The Commissioner may issue educational permits for the 2008 season for Dungeness crab ecotourism fishing in George's Inlet provided that the application for such permit is received prior to April 1, 2008 and that the permits include stringent compliance requirements and are designed to prevent any net increase in crab handling or mortality over amounts previously permitted, and to prevent any increase in amounts of allowable gear used in Georges Inlet ecotourism Dungeness crab fisheries.

5 AAC 41.535. Aquarium Stocking. (a) Aquarium stocking for commercial display may occur, subject to requirements of this chapter, only if authorized under a permit from the commissioner, and unless the specimens are commercially harvested, only if the commissioner determines that there is an educational component to the display.

(b) Aquarium stocking permits may contain such terms as the commissioner deems appropriate to protect fishery resources and prevent impacts to other user groups.

(c) Aquarium stocking permits may not be issued to any permit applicant for collection of more than 4 specimens of any single species for which there is a fishery for which the Commercial Fisheries Commission has established a maximum number or which is subject to a regulatory or statutory moratorium on entry unless the commissioner determines the purchase of live specimens from a commercial fisherman is not practicable; additional specimens may be obtained if purchased from a commercial fisherman.

(d) Outside of established or experimental commercial fisheries, the commissioner shall not permit harvest of significant numbers of animals of any species from any area for commercial aquarium purposes.

(e) The commissioner shall not permit harvest of any species for commercial display purposes outside of an established or experimental commercial fishery if the commissioner determines that purchase of live specimens taken in a

commercial fishery is practicable, or would have been practicable if properly planned. In determining whether purchase from a commercial fisherman is or would have been practicable, the Commissioner shall consider the number of specimens needed, the distance to areas where the species can be commercially harvested, and the expected lifespan of specimens held in captivity.

(f) The commissioner shall not permit harvest of any species for aquarium stocking purposes if the commissioner determines that the cumulative effects of allowing such harvest could negatively impact sport, personal use, subsistence, or commercial fisheries.

(g) The commissioner shall not permit harvest of any species for aquarium stocking purposes if the area where the harvest is proposed is closed to sport, personal use, and subsistence harvest.

(h) The commissioner shall not issue permits authorizing harvest for aquarium stocking that are effective for more than one year. The commissioner may modify or revoke permits authorizing harvest for aquarium stocking by emergency order if the commissioner determines that the terms of the permit have been violated or that that the permit may be detrimental to the resource or other users.

(i) Specimens held in an aquarium may not be released to the natural waters of the state unless specifically authorized by the commissioner under the terms of a scientific or educational permit.

(j) Nothing in this section is intended to preclude the commissioner from adopting more restrictive regulations or from further restricting take for aquarium stocking by emergency order.

(k) Any facility engaged aquarium stocking or in commercial display of fish native to Alaska, shall upon request, permit inspection by a representative of the department or a peace officer, and shall upon request provide copies of records documenting the sources of specimens on display.

(l) Nothing in this section is intended to preclude the display of fish taken under a scientific or educational permit for purposes other than display if display is also allowed under the terms of the permit.

(m) Notwithstanding the requirements of this section, during the 2008 calendar year, the Commissioner may issue educational permits, under such terms as the commissioner deems appropriate, allowing harvests for aquarium stocking in areas where such harvests were allowed in 2006 or 2007, at levels no greater than that allowed in 2006 or 2007, provided that the permits include compliance requirements and are designed to prevent any net increase in harvest for aquarium purposes of a species in an area where there is an established commercial, sport, personal use, or subsistence fishery for that species. The commissioner may reduce the allowable take by a permit holder by EO if necessary to prevent a net increase in harvest for aquarium purposes of a species in an area where there is an established commercial, sport, personal use, or subsistence fishery for that species.

5 AAC 41.599 Definitions. Unless the context requires otherwise, in 5 AAC 41.500-599:

- (1) “aquarium stocking” means the taking of fish from the natural waters of the state or placement of fish originating from the natural waters of the state for purposes of live display, but does not include placement of fish taken in a commercial fishery in a live tank for sale or resale;
- (2) “commercial display” means a display where a fee is charged for admission to the viewing area or where viewing is limited to guests of an establishment which sells merchandise, transportation, services, or accommodations.
- (3) “ecotourism fishing” means take of fish for compensation for nonconsumptive purposes with gear which allows live release or live return to the water, but does not include guided sport fishing;
- (4) “ecotourism fishery” means any portion of a fishery that is engaged in ecotourism fishing;

5 AAC 41.001 is amended to read:

5 AAC 41.001. Application of this chapter. The provisions of this chapter govern the transportation, possession, or release of live fish transplanted for or cultivated for human consumption or sport fishing purposes, or as part of an aquaculture program for scientific, educational, or propagative purposes, and the transportation and possession of shellfish or aquatic plants for commercial purposes including aquatic farming, aquarium stocking, and ecotourism fishing. Unless specifically provided, the provisions of this chapter do not apply to the cultivation of ornamental fish.

Deleted: in conjunction with an

Deleted: operation

Deleted: Additionally, the provisions of this chapter do not apply to the transportation, possession, or release of fish taken for commercial fishing, sport, or subsistence purposes.

5 AAC 41.005 is amended to read:

5 AAC 41.005. Permit required.

(a) Except as otherwise provided, no person may transport, possess, export from the state, or release into the waters of the state, any live fish unless the person holds a fish transport permit issued by the commissioner or his authorized designee, and the person is in compliance with all conditions of the permit and the provisions of this chapter. A fish transport permit will be issued for a fixed term subject to the provisions of (c) of this section.

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(b) A fish transport permit authorizes only that operation specified in the permit. Any change of species, broodstock, or location requires a new permit. Any other change requires an amendment to the permit.

(c) The commissioner shall suspend the permit, or particular provisions of the permit including amendments, if he finds

(1) on the basis of new information or changed circumstances, that the permitted activity will adversely affect the continued health and perpetuation of native, wild, or hatchery stocks of fish; or

(2) the permittee has failed to comply with permit terms or the provisions of this chapter.

(d) Notwithstanding the expiration, termination or suspension of a fish transport permit, each permittee is responsible for the obligations arising under the terms and conditions of the permit, and under the provisions of this chapter.

(e) Unless otherwise provided by regulation or emergency order, a permit is not required for transportation of sport, personal use, subsistence, or commercially caught fish from the place of harvest to a place within the state for processing, or for transport of commercially caught fish to a place within the state for sale.

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Summary of Select Proposed Options.

Commercial Framework:

Emergency regulation using the commercial fishing framework to prevent or reduce economic harm to operators who have previously erroneously been issued educational permits for commercial fishing activities (ecotourism and aquariums) while preventing harm to commercial fishermen and other user groups.

Differentiates commercial adventure fishing (otherwise known as dude fishing) from ecotourism fishing.

Establishes general framework for commercial adventure fishing, ecotourism fishing. Generally allows commercial adventure fishing and ecotourism fishing within any open commercial fishery and prohibits such fisheries in areas closed to commercial fishing. Requires registration and logbook maintenance. A CFEC permit holder must be present at all times, and anyone handling gear or fish must be a CFEC permit holder or have a commercial crewmember license.

Makes it clear that a department permit is required for aquarium stocking; and with *de minimis* exceptions, generally requires aquarium stocking to occur from commercial fisheries if there is a limited fishery for a species to be stocked.

Establishes a Superexclusive Commercial Ecotourism Dungeness fishery in George's Inlet with strict pot limits and handling requirements and gives the Commissioner authority to close or further restrict the fishery if necessary to protect the resource.

New superexclusive areas for commercial ecotourism or adventure fisheries could be proposed to the Board during its regular regulatory cycle.

Guided Sport Framework:

Emergency regulation using the guided sport fishing framework to prevent or reduce economic harm to operators who have previously erroneously been issued educational permits for commercial fishing activities (ecotourism and aquariums) while preventing harm to commercial fishermen, guides, and other user groups.

Makes it clear that a department permit is required for aquarium stocking; and with *de minimis* exceptions, generally requires aquarium stocking to occur from commercial fisheries if there is a limited fishery for a species to be stocked.

Establishes an Exclusive Guided Sport Fishery in George's Inlet with strict pot limits and handling requirements and gives the Commissioner authority to close or

further restrict the fishery if necessary to protect the resource. Would provide an exception to general prohibitions on nonresident shellfish fishing and pot marking/handling requirements but with a nonretention provision and exclusive registration. Key components would include: (1) Operator, Guide and vessel licensing under 16.40.260 -16.10.470, and 5 AAC 75.075 -.077; (2) pot/lift limits (with use of sport pots marked with charter vessel # and with guides allowed to set pots); (3) everyone handling gear or fish aboard vessel required to have sport fishing license (1 day license available for \$10 and operator could become vendor) (Could also ask the commissioner to look into the possibility of adopting regulations allowing group license sales) (4) Guide/vessel registered for fishery would be unable to guide/operate in any other fishery while registered for the exclusive fishery; (5) EO authority/close if general Personal Use fishery closed in area)

Approaches aquarium stocking in the same manner as the Commercial Framework option.

Partial Action/Delayed Implementation/ Commissioner Permit Framework:

Emergency regulation to make it clear that all ecotourism fishing operation and aquarium stocking operations must be permitted by the Commissioner and to establish framework limiting the Commissioner's authority to expand ecotourism and aquarium stocking fisheries, combined with later adoption of permanent regulations by the Board (this could also be done through a delegation to the Commissioner to adopt permanent regulations but should be carried out by the Board because it has significant allocative implications).

The emergency regulations would (1) make it clear that a Commissioner's educational permit is required for ecotourism operations outside of established commercial and guided sport fisheries, (2) allow the commissioner to continue to permit ecotourism fisheries in locations where such fisheries have previously occurred for the 2008 season, but only under conditions preventing any expansion of the fisheries (i.e. no increased gear/lift allowances and if more participants apply, limit gear/lifts for each participant to prevent any net growth); provide that further permits are not be issued after the 2008 season (3) make it clear that a commissioner's permit is required for aquarium stocking, and (4) allow the commissioner to continue to issue aquarium stocking permits in areas where such permits have been issued in the past, but only under conditions preventing any expansion of the fisheries (i.e. no net increase in take, reduce per applicant take if there are more applicants).

The Board would then take up permanent regulations at its Southeast Shellfish meeting where it could either allow the closure to continue, adopt regulations

reflecting either the commercial framework, the guided sport framework, continued permitting by the commissioner subject to regulatory standards, or other options that might be presented by the public.

Guided Sport Framework Conceptual Changes to Regulatory Language:

Chapter 75 is amended by adding a new section to read:

5 AAC 75.085. Except as otherwise provided, guided sport ecotourism fishing may occur only as follows:

- (1) a person holding a valid sport fishing guide license registered for the fishery must be present at all times when paying clients are on board;
- (2) a person on board a vessel engaged in guided sport ecotourism fishing may handle gear or fish only if the person is a holder of a sport fishing license;
- (3) all requirements of the applicable sport fishery apply except that all participants must comply with rules relating to nonresidents regardless of residency and all fish must be immediately released unharmed;
- (4) a sport fishing services operator and sport fishing guide must comply with all applicable requirements.

Chapter 47 is amended by adding a new 47.050 to read:

5 AAC 47.050. George Inlet Exclusive Guided Sport Dungeness Fishery.

(a) Notwithstanding the provisions of 5 AAC 47.036, the waters of George Inlet north of the latitude of the southernmost tip of California Head, excluding the waters of Herring cove, are open as an exclusive registration area for Dungeness crab ecotourism fishing from April 15 through September 30, subject to the requirements of this chapter and to the additional requirements of this section.

(b) No sport fishing operator, sport fishing guide, or vessel registered for the George Inlet exclusive Dungeness crab ecotourism fishery may participate in any other Dungeness crab fishery, or other guided sport fishery. *by U. Cink*

(c) A sport fishing operator, sport fishing guide, or vessel owner may register for the George Inlet exclusive area after December 1 of the year prior to the year in which fishing will occur and prior to January 3 of the calendar year in which fishing is to occur.

(d) Notwithstanding 5 AAC 47.035(c) no more than ^{3?} two pots per vessel may be used and each pot may be lifted no more than 3 times per day; if lifted more than twice it must be removed from the water on the third lifting and not returned to the water until the next calendar day.

(e) Notwithstanding 5 AAC 47.035(f), the name and address of each sport fisherman using the gear is not required to be inscribed on a keg or buoy; however, the vessel name, the responsible sport fishing guide's name and address, and all other information required by 5 AAC 47.035(f) is required; each pot may be lifted no more than ~~three~~ ^{three} during any calendar day; the guide whose name is listed on the pot, and the person pulling or setting the pot, are responsible for any violations.

(f) All crab, except 1 legal male Dungeness crab, taken must be returned to the water unharmed immediately after being brought on board a vessel or after being

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removed from a pot; all bycatch must be immediately removed from the pot and released unharmed; one legal male Dungeness crab per trip may be temporarily retained at the location of harvest for educational purposes, but must be released unharmed prior to leaving the location of harvest.

(g) No bait may be added to a pot unless all crab are first removed from the pot and released.

(h) No more than 4 crab may be left in a pot if a pot is returned to the water.

(i) The commissioner may close the fishery by emergency order, or close and immediately reopen the fishery with additional conditions by emergency order, if the commissioner determines that such closure or conditions are reasonably necessary for the protection of the resource; the commissioner shall close the ecotourism guided sport fishery if the personal use fishery in the area is closed. The commissioner shall reduce the number of allowable pots or the number of allowable lifts, or both, if more than 3 vessels register for the Georges Inlet exclusive guided sport Dungeness Fishery.

(j) Notwithstanding (c) of this section, during the 2008 calendar year, prior to April 1, a sport fishing operator, sport fishing guide, or vessel owner may register for the George Inlet exclusive ecotourism area; after registering for the exclusive area, a sport fishing operator, sport fishing guide, or vessel owner may not fish for Dungeness crab in other areas.

(k) Nothing in this section is intended to prohibit any form of guided sport fishing, otherwise permissible in George Inlet under applicable regulations, by a guided sport operator, sport fishing guide, or vessel not registered for the George Inlet exclusive ecotourism Dungeness crab fishery.

4 (1) = 3/31/09

5 AAC 41.001 is amended to read:

5 AAC 41.001. Application of this chapter. The provisions of this chapter govern the transportation, possession, or release of live fish transplanted for or cultivated for human consumption or sport fishing purposes, or as part of an aquaculture program for scientific, educational, or propagative purposes, and the transportation and possession of shellfish or aquatic plants for commercial purposes ~~including in conjunction with an aquatic farming, aquarium stocking, and guided sport ecotourism fishing operation.~~ Unless specifically provided, the provisions of this chapter do not apply to the cultivation of ornamental fish. ~~Additionally, the provisions of this chapter do not apply to the transportation, possession, or release of fish taken for commercial fishing, sport, or subsistence purposes.~~

5 AAC 41.005 is amended to read:

5 AAC 41.005. Permit required.

(a) Except as otherwise provided, nNo person may transport, possess, export from the state, or release into the waters of the state, any live fish unless the person holds a fish transport permit issued by the commissioner or his authorized designee, and the person is in compliance with all conditions of the permit and the provisions of this chapter. A fish transport permit will be issued for a fixed term subject to the provisions of (c) of this section.

(b) A fish transport permit authorizes only that operation specified in the permit. Any change of species, broodstock, or location requires a new permit. Any other change requires an amendment to the permit.

(c) The commissioner shall suspend the permit, or particular provisions of the permit including amendments, if he finds

(1) on the basis of new information or changed circumstances, that the permitted activity will adversely affect the continued health and perpetuation of native, wild, or hatchery stocks of fish; or

(2) the permittee has failed to comply with permit terms or the provisions of this chapter.

(d) Notwithstanding the expiration, termination or suspension of a fish transport permit, each permittee is responsible for the obligations arising under the terms and conditions of the permit, and under the provisions of this chapter.

(e) Unless otherwise provided by regulation or emergency order, a permit is not required for transportation of sport, personal use, subsistence, or commercially caught fish from the place of harvest to a place within the state for processing or commercially caught fish to a place within the state for sale.

A new article 5 is added to read:

**Article 5
Aquarium Stocking**

5 AAC 41.535. Aquarium Stocking. (a) Aquarium stocking for commercial display may occur, subject to requirements of this chapter, only if authorized under a permit from the commissioner, and unless the specimens are commercially harvested, only if the commissioner determines that there is an educational component to the display.

- (b) Aquarium stocking permits may contain such terms as the commissioner deems appropriate to protect fishery resources and prevent impacts to other user groups.
- (c) Aquarium stocking permits may not be issued to any permit applicant for collection of more than 4 specimens of any single species for which there is a fishery for which the Commercial Fisheries Commission has established a maximum number or which is subject to a regulatory or statutory moratorium on entry unless the commissioner determines the purchase of live specimens from a commercial fisherman is not practicable; additional specimens may be obtained if purchased from a commercial fisherman.
- (d) Outside of established or experimental commercial fisheries, the commissioner shall not permit harvest of significant numbers of animals of any species from any area for commercial aquarium purposes.
- (e) The commissioner shall not permit harvest of any species for commercial display purposes outside of an established or experimental commercial fishery if the commissioner determines that purchase of live specimens taken in a commercial fishery is practicable, or would have been practicable if properly planned. In determining whether purchase from a commercial fisherman is or would have been practicable, the Commissioner shall consider the number of specimens needed, the distance to areas where the species can be commercially harvested, and the expected lifespan of specimens held in captivity.
- (f) The commissioner shall not permit harvest of any species for aquarium stocking purposes if the commissioner determines that the cumulative effects of allowing such harvest could negatively impact sport, personal use, subsistence, or commercial fisheries.
- (g) The commissioner shall not permit harvest of any species for aquarium stocking purposes if the area where the harvest is proposed is closed to sport, personal use, and subsistence harvest.
- (h) The commissioner shall not issue permits authorizing harvest for aquarium stocking that are effective for more than one year. The commissioner may modify or revoke permits authorizing harvest for aquarium stocking by emergency order if the commissioner determines that the terms of the permit have been violated or that that the permit may be detrimental to the resource or other users.
- (i) Specimens held in an aquarium may not be released to the natural waters of the state unless specifically authorized by the commissioner under the terms of a scientific or educational permit.
- (j) Nothing in this section is intended to preclude the commissioner from adopting more restrictive regulations or from further restricting take for aquarium stocking by emergency order.
- (k) Any facility engaged aquarium stocking or in commercial display of fish native to Alaska, shall upon request, permit inspection by a representative of the department or a peace officer, and shall upon request provide copies of records documenting the sources of specimens on display.

(1) Nothing in this section is intended to preclude the display of fish taken under a scientific or educational permit for purposes other than display if display is also allowed under the terms of the permit.

5 AAC 41.599. Definitions. Unless the context requires otherwise, in 5 AAC 41.500-599:

(1) “aquarium stocking” means the taking of fish from the natural waters of the state or placement of fish originating from the natural waters of the state for purposes of live display, but does not include placement of fish taken in a commercial fishery in a live tank for sale or resale;

(2) “commercial display” means a display where a fee is charged for admission to the viewing area or where viewing is limited to guests of an establishment which sells merchandise, transportation, services, or accommodations.

Commercial Framework Conceptual Changes to Regulatory Language:

5 AAC 32.106 is amended by adding a new (d) to read:

(d) The waters of George Inlet north of the latitude of the southernmost tip of California Head, excluding the waters of Herring cove, are a superexclusive registration area within Area A for Dungeness crab and are limited to ecotourism fishing as defined in 5 AAC 41.599.

A new 5 AAC 32.147 is added to read:

5 AAC 32.147. George Inlet Superexclusive Dungeness Fishery.

(a) Notwithstanding the provisions of 5 AAC 31.146, 5 ACC 32.150, and 5 AAC 41.520(5), the waters of George Inlet north of the latitude of the southernmost tip of California Head, excluding the waters of Herring cove, are open as a superexclusive registration area for Dungeness crab limited to ecotourism fishing subject to the requirements of this chapter, 5 AAC 41.520, and to the additional requirements of this section.

(b) The George Inlet Superexclusive area is open to ecotourism fishing for Dungeness Crab from April 15 through September 30, unless closed by emergency order.

(c) The holder of a Southeast Alaska Dungeness crab limited entry permit or interim use permit and a vessel owner may register for the George Inlet superexclusive area prior to January 3 and prior to fishing for Dungeness crab in any other registration area during the calendar year and subsequently may not register the permit or vessel for any other Dungeness Crab registration area during the calendar year.

(d) no more than 2 pots per permit may be used, any excess pot tags previously obtained must be returned to the department upon registration, and each pot may be lifted no more than three times during any calendar day; if lifted more than twice, on the third lift the pot shall be removed from the water and not returned to the water until the next calendar day.

(e) All crab, except 1 legal male Dungeness crab per trip, taken must be returned to the water unharmed immediately after being brought on board a vessel or after being removed from a pot; all bycatch must be immediately removed from the pot and released unharmed; one legal male Dungeness crab per trip may be temporarily retained at the location of harvest for educational purposes, but must be released unharmed prior to leaving the location of harvest.

(f) No bait may be added to a pot unless all crab are first removed from the pot and released.

(g) No more than 4 crab may be left in a pot if a pot is returned to the water.

- (h) The commissioner may close the fishery by emergency order, or close and immediately reopen the fishery with additional conditions by emergency order, if the commissioner determines that such closure or conditions are reasonably necessary for the protection of the resource;
- (i) Notwithstanding (c) of this section, during the 2008 calendar year, prior to May 2, a limited entry or interim use permit holder who has previously fished for Dungeness in Area A may cancel Area A registration, and register for the George Inlet superexclusive area; after registering for the superexclusive area, no further fishing may occur in other portions of Area A.

Chapter 41 is amended by adding a new Article 5 to read:

Article 5

Commercial Ecotourism, Adventure Fishing, and Aquarium Stocking

5 AAC 41.505 Except as otherwise provided, commercial adventure fishing may occur only as follows:

- (1) a person holding a valid CFEC limited entry or interim use permit registered for the fishery must be present at all times when gear or fish are being handled;
- (2) each person engaged in adventure fishing and each person aboard a vessel engaged in adventure fishing must have a valid interim use permit, limited entry permit, or crew member license;
- (3) prior to engaging in commercial adventure fishing a permit holder and vessel owner must register with the department for the relevant fishery and must specify that they will be engaged in commercial adventure fishing;
- (4) a CFEC limited entry or interim permit holder engaged in commercial adventure fishing shall keep a log book of each trip detailing the names and license or permit numbers of each person engaged in commercial adventure fishing or on board a vessel engaged in commercial adventure fishing, total catch by species, and the disposition of the catch. The logbook shall be onboard at all times when the vessel is fishing or has fish on board. Logbook information shall be provided to a peace officer or representative of the department upon request, and the complete logbook shall be provided to the department no later than December 15 of the year in which fishing occurs; if commercial adventure fishing occurs between December 15 and December 31 a supplemental logbook shall be maintained and shall be provided to the Department no later than January 10 of the following year;
- (5) commercial adventure fishing may occur only if the commercial fishery is open in the area at the time of harvest and only with gear allowed in the relevant commercial fishery;
- (6) a person may not place fish, other than bait, in gear deployed or retrieved in a commercial adventure fishery.

5 AAC 41.520. (a) Except as otherwise provided, Commercial Ecotourism Fishing may occur only as follows:

(1) a person holding a valid CFEC limited entry or interim use permit registered for the fishery must be present at all times when gear or fish are being handled;

(2) a person engaged in commercial ecotourism fishing or on board a vessel engaged in ecotourism fishing may handle gear or fish only if the person is a CFEC limited entry or interim use permit holder, or a holder of a commercial crew member license;

(3) prior to engaging in commercial ecotourism fishing, and by January 2 of each calendar year in which fishing will occur, the a permit holder and vessel owner must register with the department for the relevant fishery and must specify that they will be engaged in commercial ecotourism fishing;

(4) a CFEC limited entry or interim permit holder engaged in commercial ecotourism fishing shall keeping a log book of each trip detailing the names and license or permit numbers of each limited entry or interim use permit holder and each commercial crewmember on board, each deployment or retrieval of gear, total catch by species, and the manner in which the catch is released or returned to the water. The logbook shall be onboard at all times when the vessel is fishing or has fish on board. Logbook information shall be provided to a peace officer or representative of the department upon request, and the complete logbook shall be provided to the department no later than December 15 of the year in which fishing occurs; if commercial ecotourism fishing occurs between December 15 and December 31 a supplemental logbook shall be maintained and shall be provided to the Department no later than January 10 of the following year;

(5) commercial ecotourism fishing may occur only if the commercial fishery is open in the area at the time of harvest and only with gear allowed in the relevant commercial fishery;

(6) fish may not be retained by a person or aboard a vessel engaged in commercial ecotourism fishing;

(7) a person may not place fish, other than bait, into gear used in the commercial ecotourism fishery.

(b) Notwithstanding (a)(3) of this section, during the 2008 calendar year, a limited entry or interim use permit holder or vessel owner may register until May 1.

5 AAC 41.535 Aquarium Stocking. (a) Aquarium stocking for commercial display may occur, subject to requirements of this chapter, only if authorized under a permit from the commissioner, and unless the specimens are commercially harvested, only if the commissioner determines that there is an educational component to the display.

(b) Aquarium stocking permits may contain such terms as the commissioner deems appropriate to protect fishery resources and prevent impacts to other user groups.

- (c) Aquarium stocking permits may not be issued to any permit applicant for collection of more than 4 specimens of any single species for which there is a fishery for which the Commercial Fisheries Commission has established a maximum number or which is subject to a regulatory or statutory moratorium on entry unless the commissioner determines the purchase of live specimens from a commercial fisherman is not practicable; additional specimens may be obtained if purchased from a commercial fisherman.
- (d) Outside of established or experimental commercial fisheries, the commissioner shall not permit harvest of significant numbers of animals of any species from any area for commercial aquarium purposes.
- (e) The commissioner shall not permit harvest of any species for commercial display purposes outside of an established or experimental commercial fishery if the commissioner determines that purchase of live specimens taken in a commercial fishery is practicable, or would have been practicable if properly planned. In determining whether purchase from a commercial fisherman is or would have been practicable, the Commissioner shall consider the number of specimens needed, the distance to areas where the species can be commercially harvested, and the expected lifespan of specimens held in captivity.
- (f) The commissioner shall not permit harvest of any species for aquarium stocking purposes if the commissioner determines that the cumulative effects of allowing such harvest could negatively impact sport, personal use, subsistence, or commercial fisheries.
- (g) The commissioner shall not permit harvest of any species for aquarium stocking purposes if the area where the harvest is proposed is closed to sport, personal use, and subsistence harvest.
- (h) The commissioner shall not issue permits authorizing harvest for aquarium stocking that are effective for more than one year. The commissioner may modify or revoke permits authorizing harvest for aquarium stocking by emergency order if the commissioner determines that the terms of the permit have been violated or that the permit may be detrimental to the resource or other users.
- (i) Specimens held in an aquarium may not be released to the natural waters of the state unless specifically authorized by the commissioner under the terms of a scientific or educational permit.
- (j) Nothing in this section is intended to preclude the commissioner from adopting more restrictive regulations or from further restricting take for aquarium stocking by emergency order.
- (k) Any facility engaged in aquarium stocking or in commercial display of fish native to Alaska, shall upon request, permit inspection by a representative of the department or a peace officer, and shall upon request provide copies of records documenting the sources of specimens on display.
- (l) Nothing in this section is intended to preclude the display of fish taken under a scientific or educational permit for purposes other than display if display is also allowed under the terms of the permit.

5 AAC 41.599 Definitions. Unless the context requires otherwise, in 5 AAC 41.500-599:

- (1) “aquarium stocking” means the taking of fish from the natural waters of the state or placement of fish originating from the natural waters of the state for purposes of live display, but does not include placement of fish taken in a commercial fishery in a live tank for sale or resale;
- (2) “commercial display” means a display where a fee is charged for admission to the viewing area or where viewing is limited to guests of an establishment which sells merchandise, transportation, services, or accommodations.
- (3) “commercial adventure fishing” means commercial fishing where any member of the crew is charged a fee by anyone other than the State of Alaska to serve as a crew member, but does not include commercial ecotourism fishing;
- (4) “commercial adventure fishery” means any portion of a commercial fishery that is engaged in commercial adventure fishing;
- (5) “commercial ecotourism fishing” means take of fish for compensation for nonconsumptive purposes with gear which allows live release or live return to the water, but does not include guided sport fishing;
- (6) “commercial ecotourism fishery” means any portion of a commercial fishery that is engaged in commercial ecotourism fishing;

5 AAC 41.001 is amended to read:

5 AAC 41.001. Application of this chapter. The provisions of this chapter govern the transportation, possession, or release of live fish transplanted for or cultivated for human consumption or sport fishing purposes, or as part of an aquaculture program for scientific, educational, or propagative purposes, and the transportation and possession of shellfish or aquatic plants for commercial purposes including in conjunction with an aquatic farming, aquarium stocking, commercial adventure fishing, and commercial ecotourism fishing operation. Unless specifically provided, the provisions of this chapter do not apply to the cultivation of ornamental fish. ~~Additionally, the provisions of this chapter do not apply to the transportation, possession, or release of fish taken for commercial fishing, sport, or subsistence purposes.~~

5 AAC 41.005 is amended to read:

AAC 41.005. Permit required. (a) Except as otherwise provided, ~~n~~No person may transport, possess, export from the state, or release into the waters of the state, any live fish unless the person holds a fish transport permit issued by the commissioner or his authorized designee, and the person is in compliance with all

conditions of the permit and the provisions of this chapter. A fish transport permit will be issued for a fixed term subject to the provisions of (c) of this section.

(b) A fish transport permit authorizes only that operation specified in the permit. Any change of species, broodstock, or location requires a new permit. Any other change requires an amendment to the permit.

(c) The commissioner shall suspend the permit, or particular provisions of the permit including amendments, if he finds

(1) on the basis of new information or changed circumstances, that the permitted activity will adversely affect the continued health and perpetuation of native, wild, or hatchery stocks of fish; or

(2) the permittee has failed to comply with permit terms or the provisions of this chapter.

(d) Notwithstanding the expiration, termination or suspension of a fish transport permit, each permittee is responsible for the obligations arising under the terms and conditions of the permit, and under the provisions of this chapter.

(e) Unless otherwise provided by regulation or emergency order, a permit is not required for transportation of sport, personal use, subsistence, or commercially caught fish from the place of harvest to a place within the state for processing or commercially caught fish to a place within the state for sale.

Partial Action/Delayed Action Commissioner Permit Alternative:

Chapter 41 is amended by adding a new Article 5 to read:

Article 5

Ecotourism Fishing and Aquarium Stocking

5 AAC 41.505 Ecotourism Fishing. (a) Except as otherwise provided in this section, ecotourism fishing shall be permitted only within the context of open commercial or guided sport fisheries, subject to all requirements applicable to the fishery.

(b) The Commissioner may issue educational permits for the 2008 season for Dungeness crab ecotourism fishing in George's Inlet provided that the application for such permit is received prior to April 1, 2008 and that the permits include stringent compliance requirements and are designed to prevent any net increase in crab handling or mortality over amounts previously permitted, and to prevent any increase in amounts of allowable gear used in Georges Inlet ecotourism Dungeness crab fisheries.

5 AAC 41.535. Aquarium Stocking. (a) Aquarium stocking for commercial display may occur, subject to requirements of this chapter, only if authorized under a permit from the commissioner, and unless the specimens are commercially harvested, only if the commissioner determines that there is an educational component to the display.

(b) Aquarium stocking permits may contain such terms as the commissioner deems appropriate to protect fishery resources and prevent impacts to other user groups.

(c) Aquarium stocking permits may not be issued to any permit applicant for collection of more than 4 specimens of any single species for which there is a fishery for which the Commercial Fisheries Commission has established a maximum number or which is subject to a regulatory or statutory moratorium on entry unless the commissioner determines the purchase of live specimens from a commercial fisherman is not practicable; additional specimens may be obtained if purchased from a commercial fisherman.

(d) Outside of established or experimental commercial fisheries, the commissioner shall not permit harvest of significant numbers of animals of any species from any area for commercial aquarium purposes.

(e) The commissioner shall not permit harvest of any species for commercial display purposes outside of an established or experimental commercial fishery if the commissioner determines that purchase of live specimens taken in a

commercial fishery is practicable, or would have been practicable if properly planned. In determining whether purchase from a commercial fisherman is or would have been practicable, the Commissioner shall consider the number of specimens needed, the distance to areas where the species can be commercially harvested, and the expected lifespan of specimens held in captivity.

(f) The commissioner shall not permit harvest of any species for aquarium stocking purposes if the commissioner determines that the cumulative effects of allowing such harvest could negatively impact sport, personal use, subsistence, or commercial fisheries.

(g) The commissioner shall not permit harvest of any species for aquarium stocking purposes if the area where the harvest is proposed is closed to sport, personal use, and subsistence harvest.

(h) The commissioner shall not issue permits authorizing harvest for aquarium stocking that are effective for more than one year. The commissioner may modify or revoke permits authorizing harvest for aquarium stocking by emergency order if the commissioner determines that the terms of the permit have been violated or that that the permit may be detrimental to the resource or other users.

(i) Specimens held in an aquarium may not be released to the natural waters of the state unless specifically authorized by the commissioner under the terms of a scientific or educational permit.

(j) Nothing in this section is intended to preclude the commissioner from adopting more restrictive regulations or from further restricting take for aquarium stocking by emergency order.

(k) Any facility engaged aquarium stocking or in commercial display of fish native to Alaska, shall upon request, permit inspection by a representative of the department or a peace officer, and shall upon request provide copies of records documenting the sources of specimens on display.

(l) Nothing in this section is intended to preclude the display of fish taken under a scientific or educational permit for purposes other than display if display is also allowed under the terms of the permit.

(m) Notwithstanding the requirements of this section, during the 2008 calendar year, the Commissioner may issue educational permits, under such terms as the commissioner deems appropriate, allowing harvests for aquarium stocking in areas where such harvests were allowed in 2006 or 2007, at levels no greater than that allowed in 2006 or 2007, provided that the permits include compliance requirements and are designed to prevent any net increase in harvest for aquarium purposes of a species in an area where there is an established commercial, sport, personal use, or subsistence fishery for that species. The commissioner may reduce the allowable take by a permit holder by EO if necessary to prevent a net increase in harvest for aquarium purposes of a species in an area where there is an established commercial, sport, personal use, or subsistence fishery for that species.

5 AAC 41.599 Definitions. Unless the context requires otherwise, in 5 AAC 41.500-599:

- (1) “aquarium stocking” means the taking of fish from the natural waters of the state or placement of fish originating from the natural waters of the state for purposes of live display, but does not include placement of fish taken in a commercial fishery in a live tank for sale or resale;
- (2) “commercial display” means a display where a fee is charged for admission to the viewing area or where viewing is limited to guests of an establishment which sells merchandise, transportation, services, or accommodations.
- (3) “ecotourism fishing” means take of fish for compensation for nonconsumptive purposes with gear which allows live release or live return to the water, but does not include guided sport fishing;
- (4) “ecotourism fishery” means any portion of a fishery that is engaged in ecotourism fishing;

5 AAC 41.001 is amended to read:

5 AAC 41.001. Application of this chapter. The provisions of this chapter govern the transportation, possession, or release of live fish transplanted for or cultivated for human consumption or sport fishing purposes, or as part of an aquaculture program for scientific, educational, or propagative purposes, and the transportation and possession of shellfish or aquatic plants for commercial purposes including in conjunction with an aquatic farming, aquarium stocking, and ecotourism fishing operation. Unless specifically provided, the provisions of this chapter do not apply to the cultivation of ornamental fish. ~~Additionally, the provisions of this chapter do not apply to the transportation, possession, or release of fish taken for commercial fishing, sport, or subsistence purposes.~~

5 AAC 41.005 is amended to read:

5 AAC 41.005. Permit required.

(a) ~~Except as otherwise provided, n~~No person may transport, possess, export from the state, or release into the waters of the state, any live fish unless the person holds a fish transport permit issued by the commissioner or his authorized designee, and the person is in compliance with all conditions of the permit and the provisions of this chapter. A fish transport permit will be issued for a fixed term subject to the provisions of (c) of this section.

(b) A fish transport permit authorizes only that operation specified in the permit. Any change of species, broodstock, or location requires a new permit. Any other change requires an amendment to the permit.

(c) The commissioner shall suspend the permit, or particular provisions of the permit including amendments, if he finds

(1) on the basis of new information or changed circumstances, that the permitted activity will adversely affect the continued health and perpetuation of native, wild, or hatchery stocks of fish; or

(2) the permittee has failed to comply with permit terms or the provisions of this chapter.

(d) Notwithstanding the expiration, termination or suspension of a fish transport permit, each permittee is responsible for the obligations arising under the terms and conditions of the permit, and under the provisions of this chapter.

(e) Unless otherwise provided by regulation or emergency order, a permit is not required for transportation of sport, personal use, subsistence, or commercially caught fish from the place of harvest to a place within the state for processing, or for transport of commercially caught fish to a place within the state for sale.



Miscellaneous Business
Alaska Board of Fisheries

King and Tanner Crab, Supplemental Issues
March 3-9, 2008
Anchorage

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| Draft findings on Proposal 130 from UCI meeting (RC 61) | [Jensen] |
| Review of BOF standing committees (RC 62) | [Morris] |
| Report on Feb. 13 BOF/BOG committee meeting (RC 32, RC 63) | [Webster] |
| Essential Fish Habitat regulation delegation | [Tonkin] |
| SSLMC committee update | [Morris] |
| Crab Observer Task Force (RC 64) | [Morris] |

Adjourn

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| DRAFT |
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ALASKA BOARD OF FISHERIES
Finding on Upper Cook Inlet Salmon Management Plan

2008-259-FB

At its 12 day February 2008 Upper Cook Inlet Finfish meeting the Board of Fisheries considered numerous changes to the Upper Cook Inlet Salmon Management Plan. The Board heard public testimony, considered written public comments submitted before and during the meeting, considered reports of committee meetings where public panels presented additional information to the committees, and considered the application of the Board's Sustainable Salmon Management Policy, 5 AAC 39.222, to current and proposed regulations for Upper Cook Inlet Salmon fisheries. The Board adopted a number of revisions to subplans but determined that only minor adjustments were needed in the umbrella Upper Cook Inlet Management Plan which applies to all plans.

In the "umbrella plan" the Board determined that some additional guidance to the department was needed regarding the prioritization of conflicting plan goals and objectives, and that achievement of established escapement goals should be the primary management objective. The Board felt that it was important to avoid undue restrictions on the Department's discretion in order to allow the Department to attempt to meet management objectives. The Board recognizes the importance that management windows have to sport and personal use fisheries, and that the Department will adhere to its management plans, including the use of windows in most circumstances, however it realizes that the management plans contain conflicting objectives and prescriptions, and that flexibility is needed to allow the Department to balance these factors as well as to respond to in season variables that cannot be fully anticipated by the Board. Therefore the Board renewed its prior determination that nothing in the plans is intended to limit the Commissioner's emergency order authority under AS 16.05.060.

It is the Board's understanding that in attempting to meet its primary management objectives, the Department will manage for the appropriate inriver escapement

goals first and attempt to distribute the escapements over time as appropriate. Where departures from commercial fishing plans are necessary to attempt stay within escapement goal ranges, it is the Board's understanding that the Department will generally try to stay as close as practicable to plan guidelines, first attempting to use additional emergency order hours; second using reductions or elimination of discretionary closures, and finally, if appropriate and other measures are inadequate, reducing or eliminating prescriptive closures. However, nothing in the umbrella or individual plans or this finding is intended to limit the department to these options, to require the use of these options, or to limit the order of application of options.

ADOPTED this 8th day of March, 2008

Mel Morris, Chair
Alaska Board of Fisheries

Vote: _____

Board of Fisheries committee and task force assignments (updated 9/25/07)

Morris Jensen Campbell Williams Edfelt Webster Delo

Committees

| | | | | | | | |
|-------------------------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|
| Committee on Committees | Chair | Yes | | | | Yes | |
| Bd. of Fisheries/Bd. of Game | | | Yes | | | Chair | Yes |
| Federal/State Subsistence | Yes | | | | | Yes | Chair |
| Habitat | | Yes | | Chair | | | Yes |
| Joint BOF/NPFMC | Chair | Yes | | | Yes | | |
| Legislation | | | | Yes | Chair | | Yes |
| Sustainable Fisheries | | | Yes | Yes | Chair | | |
| Salmon Industry Restructuring | | Chair | Yes | | Yes | | |
| Bristol Bay Habitat | | Yes | | Chair | | Yes | |
| Cook Inlet Management | | | Chair | | Yes | Yes | |

Task Forces / Workgroups

none at this time

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STATE OF ALASKA

DEPARTMENT OF FISH AND GAME BOARD OF FISHERIES

RC63
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P. O. Box 115526
Juneau, AK 99811

March __, 2008

re: Joint Board consideration of nonsubsistence areas

Dear Cliff,

The Board of Fisheries appreciates the recent opportunity to coordinate with the Board of Game in discussing the rationale for another Joint Board meeting.

However, the Board of Fisheries still has questions regarding the basis for a second meeting to consider nonsubsistence areas and the assertion that the Joint Board had insufficient information for evaluating a nonsubsistence area proposal during the October 2007 meeting. The Joint Board was provided a significant amount of information from a variety of sources including recent harvest statistics, recent Department of Labor data, 2000 federal census data, Subsistence Division studies, and public testimony.

At this time, the Board of Fisheries is not able to conclude that a second Joint Board meeting is needed without answers to a number of questions. We would also like to gain a better understanding of the practical regulatory implications of establishing a new nonsubsistence area in a portion of Unit 13. Some of the management scenarios outlined by the Board of Game appear to be incongruent with the subsistence law.

- 1) Would the Board of Game please identify what new information is now available for a second review of the 12 factors as they pertain to a potential nonsubsistence area Game Management Unit 13?
- 2) Would the board please identify what information it considers was lacking from the recent Joint Board review of the 12 factors as they pertain to a potential nonsubsistence area Game Management Unit 13?
- 3) Are there reasons to believe that such additional information could be compiled for use by the boards to fill these information gaps?
- 4) How would closing a portion of the Nelchina caribou range to subsistence hunting expand subsistence hunting opportunity for state residents?

- 5) How could uses other than subsistence uses be allowed on a game population that has an Amount Necessary for Subsistence (ANS) set at 100 percent of the allowable harvest?
- 6) Why would closing a portion of the current hunt area to subsistence hunting not concentrate hunting effort into a smaller geographic area?
- 7) What other methods and means restrictions or Tier II scoring changes could be applied to accomplish the BOG's objectives?
- 8) What are the implications of eliminating the subsistence priority for the use of resources other than caribou.

Having a more complete accounting of what specific information was missing from the previous Joint Board examination of nonsubsistence areas and having a better understanding of the availability of information for addressing those gaps are both needed for an evaluation of whether to revisit the topic of nonsubsistence areas. Similarly, having a better understanding the regulatory consequences of establishing a new nonsubsistence area in Unit 13 would also be helpful.

Thank you in advance for the effort in providing answers to these additional questions.

Best regards,

Mel Morris

cc Denby Lloyd, Commissioner ADF&G
Lance Nelson, Department of Law

RC 64

DRAFT

ALASKA BOARD OF FISHERIES

Continuation of the Crab Observer Oversight Task Force

2008-260-FB

Pursuant to the Board's discussion and the requests of the stakeholders and their representatives, the board has determined that the continuation of the Crab Observer Oversight Task Force for the crab observer program and the program receipts system is useful.

At its March 2008 Statewide King and Tanner Crab meeting, the Board received nominations of intent to be kept as membership of this task force. The board notes that with the Bering Sea Aleutian Islands crab rationalization it is timely to review the membership of this task force. The board makes the following appointments:

- Lance Farr – R/V Kevleen K
- Doug Wells – C/P Baranof
- Arni Thomson – Alaska Crab Coalition
- Jerry Bongen – FV Pacific Venture
- Ann Vanderhouvern – Bristol Bay Economic Dev. Corp.
- Jeff Stephan
- Dick Powell
- Linda Kozak

The term of this Oversight Task Force is three years. The board will review the membership and the charge through the Board's next Statewide King and Tanner Crab meeting.

The charge to the Oversight Task Force is outlined in Board Finding 99-186-FB.

ADOPTED this 8th day of March, 2008

Mel Morris, Chair
Alaska Board of Fisheries

George Inlet Lodge / Experience Alaska Tours

Ketchikan, AK

March 7, 2008

Dear Committee Members,

We greatly appreciate your attention to this matter that concerns and impacts us so significantly. We have read and reviewed RC 58 and support the **Guided Sport Framework** option, and feel it will allow us to continue our cruise and meet our contracture obligations with some minor changes.

We would like to suggest the following minor changes.

5 (c) We would suggest that we need a 30 – 60 day window to apply.

5 (d) Change 2 pots to ---- 3 pots per vessel

Lifted 3 times per day, to ---- Lifted 5 times per day

5 (e) change **twice** per calendar day to ---- 5 times per calendar day.

These changes will bring us to the maximum level we have scheduled this season and meets the maximum we have historically done each of the last 5 years, during the busiest portion of our season.

Respectfully yours.

Carstens & Patricia Jasper

C -907-225-6077

11728 So. Tongass Hwy

Ketchikan, AK 99901

PROPOSAL - 5 AAC 70.008(b)(10). Seasons and bag, possession, and size limits for the North Slope Management Area. 5 AAC 70.011(b)(10). Seasons and bag, possession, and size limits for the Northwestern Management Area. 5 AAC 70.017(b)(9). Seasons and bag, possession, and size limits for the Kuskokwim-Goodnews Management Area.

(b)(10) blue and red king crab: the bag and possession limit is six male crab, the size limit for blue king crab is 5.5 inch minimum carapace width and the size limit for red king crab is 4.75 inch minimum carapace width [WITH NO SIZE LIMIT]; in the waters south of 60° N. lat., male king crab may be taken from June 1 though January 1;

ISSUE: This is to correct an oversight in regulation. When the regulations were removed from a matrix format to all written text the size limit for blue and red king crab legal for retention were inadvertently dropped.

WHAT WILL HAPPEN IF NOTHING IS DONE? Continued error in regulation.

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

WHO IS LIKELY TO BENEFIT? Staff and members of the public.

WHO IS LIKELY TO SUFFER? No one.

OTHER SOLUTIONS CONSIDERED? None.

PROPOSED BY: Alaska Board of Fisheries

(HQ-02-F-0)

PROPOSAL - 5 AAC 75.069. Prohibitions on shellfish pot gear. 5 AAC 77.019. Prohibitions on shellfish pot gear. 5 AAC 02.019. Prohibitions on shellfish pot gear.

5 AAC 75.069. Prohibitions on shellfish pot gear. A person may not disturb, tamper with, or retrieve another person's **shellfish** [SHRIMP, DUNGENESS CRAB, OR MISCELLANEOUS] pot gear without prior permission of the owner of that pot gear.

5 AAC 77.019. Prohibitions on shellfish pot gear. A person may not disturb, tamper with, or retrieve another person's **shellfish** [SHRIMP, DUNGENESS CRAB, OR MISCELLANEOUS] pot gear without prior permission of the owner of that pot gear.

5 AAC 02.019. Prohibitions on shellfish pot gear. A person may not disturb, tamper with, or retrieve another person's **shellfish** [SHRIMP, DUNGENESS CRAB, OR MISCELLANEOUS] pot gear without prior permission of the owner of that pot gear.

ISSUE: In 2006 the board adopted prohibitions regarding disturbing, tampering, or retrieving another person's gear. Due to public notice constraints king and Tanner could not be included. This proposal would include king and Tanner gear within the prohibition.

WHAT WILL HAPPEN IF NOTHING IS DONE? Continued deficit in regulation.

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

WHO IS LIKELY TO BENEFIT? Staff and members of the public.

WHO IS LIKELY TO SUFFER? No one.

OTHER SOLUTIONS CONSIDERED? None.

PROPOSED BY: Alaska Board of Fisheries

(HQ-02-F-0)

Request to Board for emergency regulations:

Action requested: Delegation to commissioner to adopt after March 20, 2008, by emergency regulation and to make the emergency regulation permanent the current version of the essential fish habitat regulations.

Background: In 2007 in a complimentary action to NMFS the board of fisheries adopted **5 AAC 39.167. Commercial fishing gear prohibited in waters of Alaska surrounding essential fish habitat areas.** The regulation was to prohibit commercial fishing gear within essential fish habitat defined in 50 C.F.R. 679.22 as revised July 28, 2006.

The NMFS has amended the federal rule by removing Agattu Island from the restrictions and adding Buldir Island with the restrictions. Their amended rule would become effective March 20,2008.

The regulation would read as follows:

In the waters of Alaska surrounding essential fish habitat areas, as defined in 50 C.F.R. 679.22, as revised as of **March 20, 2008**, [JULY 28, 2006] during state managed fisheries, the following commercial fishing gear is prohibited as follows:

SELECTED POLICIES OF THE BOARD OF FISHERIES

POLICY ON KING AND TANNER CRAB RESOURCE MANAGEMENT GOAL AND BENEFITS

It is the goal of the Alaska Board of Fisheries and the Alaska Department of Fish and Game to manage king and Tanner crab stocks in a manner that will protect, maintain, improve, and extend these resources for the greatest overall benefit to Alaska and the nation. Achievement of this goal is necessarily constrained by the requirement to minimize: (1) risks of irreversible adverse effects on reproductive potential; (2) harvest during biologically sensitive periods of the life cycle; (3) adverse interactions with other fish and shellfish stocks and fisheries.

Management of these fisheries for the purpose of achieving this goal will result in a variety of benefits which include, but are not limited to, the following:

- (1) maintaining healthy stocks of king and Tanner crabs of sufficient abundance to insure their continued reproductive viability and the maintenance of their role in the ecosystem;
- (2) providing a sustained and reliable supply of high quality product to the industry and consumers which will provide substantial and stable employment in all sectors of the economy relating to these fisheries; and
- (3) providing opportunities for subsistence and personal use fisheries on these stocks.

The Alaska Board of Fisheries also recognizes the benefits of managing for the highest socio-economic benefit when such action does not conflict with biological constraints.

POLICIES:

To achieve the management goal and provide the benefits available from these resources, it is necessary to set policies which will protect stocks and provide for optimum utilization of these resources. It is the policy of the Alaska Board of Fisheries to:

1. Maintain crab stocks comprised of various size and age classes of mature animals in order to maintain the long term reproductive viability of the stock and reduce industrial dependency on annual recruitment, which is extremely variable. Benefits of this policy are most apparent when weak recruitment occurs. As population abundance and structure change with declining recruitment, harvests should be reduced.
2. Routinely monitor crab resources to provide information on abundance of females as well as prerecruit, recruit, and postrecruit males. This is necessary to detect changes in the population which may require adjustments in management to prevent irreversible damage to the reproductive potential of each stock and to better achieve the benefits listed above. Harvests must be conducted in a conservative manner in the absence of adequate information on stocks.
3. Protect king and Tanner crab stocks during biologically sensitive periods of their life cycle. Closure of the fishing season is necessary at times surrounding the annual mating, molting, and egg hatching periods in order to reduce unnecessary mortality of soft animals, disturbance during mating, and damage to egg clutches.

4. Minimize handling and unnecessary mortality of non-legal crabs and other non-target animals. Capture and handling of females, sublegal males, and animals of other species results in a loss of reproductive ability and biomass that may be detrimental to a stock.

5. Maintain an adequate brood stock to rebuild king or Tanner crab populations when they are depressed. Maintenance of an adequate brood stock takes precedence over short term economic considerations. When populations are at or below threshold, the minimum stock size that allows sufficient recruitment so that the stock can rebuild itself, fisheries must be closed and must remain closed until there is adequate brood stock.

7. Establish regulations which will help improve the socioeconomic aspects of management by: harvesting crab when their meat yield is highest, providing for fair starts and closures to seasons, insuring enforceability of regulations; and other measures providing for an orderly fishery.

The Board recognizes these policies may not result in maximization of physical or economic yield. They will, however, provide better biological protection and help preserve the reproductive viability of king and Tanner crab stocks which inherently vary in abundance due to environmental conditions. It will also increase the stability and longevity of the king and Tanner crab fisheries beyond that provided by a recruits-only fishery.

MANAGEMENT MEASURES:

1. **Harvest Rates.** Harvest surpluses available as tools to be used in order to carry out the policies on king and Tanner crab management. Individual measures should be applied as necessary in areas and fisheries depending on available information and fishery characteristics.

Exact harvest rates in each situation are chosen based on abundance of prerecruit males and females as well as legal males, the established minimum size or the actual size of crab landed, percentage of females bearing eggs, and the ratio of recruit to postrecruit males. When the acceptable annual harvest rate has been reached in an area, that area must be closed to fishing. Changes in harvest rates should appear in fishery management plans to be reviewed by the public and the board.

When stock abundance and condition in a management area are such that there is no harvestable surplus, the area or a portion of the area must be closed to fishing. Such areas must remain closed to fishing until the stock recovers to a level which is expected to produce a sustained harvestable surplus.

2. **Size Limits.** Size limits have a dual role in management. They provide some protection against overharvest and also provide for improved product quality. To provide for protection against overharvest on stocks where harvest rates are unknown or difficult to regulate, size limits are set to increase the probability of mating prior to harvest. For example, in some cases king crab size limits have been set at two average molt increments above the estimated average size at maturity and Tanner crab size limits have been set at one average molt increment above estimated average size at maturity because Tanner crab are known to produce multiple egg clutches from a single mating.

Smaller size limits may be established where stock size is accurately known and harvest

rates are precisely controlled since harvest rates will have to be lowered to prevent overfishing.

Larger size limits may be established to insure better marketability of the crab or provide increased long term yield by limiting harvest of animals below a suboptimal size.

3. **Sex Restrictions.** Harvest of king and Tanner crabs is limited to males only in an attempt to provide full fertilization of females and increase the chances of reproductive success. This is particularly important at low stock levels. During periods of average or high abundance, in areas where stock size is accurately known and harvest rates are precisely controlled, this restriction may be eliminated if it is demonstrated that the abundance of females results in no increase in recruitment to the fishery.

4. **Fishing Seasons.** Biological seasons should be set to minimize the harvest of king and Tanner crabs during times surrounding the annual mating, molting, and egg hatching periods and for a sufficient time after molting to allow safe handling and acceptable product quality. Within the acceptable biological fishing season, actual fishing times may be further modified for economic reasons, such as to ensure high meat content of legal males and to reduce dead loss in the landings.

5. **Guideline Harvest Levels (GHL).** A preseason estimate of the level of allowable king and Tanner crab harvest is established for each fishery. In those fisheries with accurate population estimates the appropriate harvest rate is applied to the best point estimate to determine the GHL. For those fisheries without surveys or historical catch information adequate for estimating the population size, the GHL will be set based on historical fishery performance, catch, and population trend.

6. **Closed Areas.** To minimize the handling and unnecessary mortality of non-legal and/or molting crabs, or to prevent conflicts with other fisheries or stocks, it may be necessary to close portions of management areas.

7. **Gear Types.** Fishing for king and Tanner crabs is limited to pots, ring nets, or diving gear depending on area. This type of gear provides the most manageable type of fishery while minimizing potential damage to target and non-target portions of the stock or other species. Biodegradable panels are required in pots to minimize adverse effects of lost gear. Escape rings, large mesh panels, or other measures may be required in gear to meet the policies of the Board.

8. **Inseason Adjustments.** Inseason adjustments may be made to the guideline harvest level and length of the fishing season. Information upon which such adjustments are based may include: (1) overall fishing effort; (2) catch per unit of effort and rate of harvest; (3) relative abundance of king or Tanner crabs; (4) achievement of guideline harvest level (GHL); (5) proportion of soft-shelled crabs and rate of dead loss; (6) general information on stock condition including adequacy of reproductive stock; (7) timeliness and accuracy of catch reporting; (8) adequacy of subsistence harvests; (9) the effect of severe or unexpected environmental conditions on the handling and trapping mortality of crab; and (10) other factors that affect ability to meet objectives of the policy. When this information shows that continued fishing effort would jeopardize the reproductive viability of king or Tanner crab stocks within a registration area, or continued fishing would be counter to the

goal and policies established by the Board, the registration area or a portion of the registration area will be closed by Emergency Order.

9. **Other Measures.** To meet the goal and policies for management of these fisheries, it may be necessary for the Board to adopt additional regulations or management measures. Controlling disease, reducing handling and trapping mortality during severe or unexpected environmental conditions, specifying registration requirements, tank inspections, gear storage, gear limitations, and other measures including regulation of other shellfish and finfish fisheries may be necessary in order to promote the protection and best overall usage of the king and Tanner crab resource toward the stated goal. (#90-04-FB, March 23, 1990)

RC 70

Ahtna Tene Nene'
Comments for the Board of Fisheries
March 8, 2008

There is no reason for the Board of Fisheries to reverse its vote at the October 2007 Joint Board meeting rejecting a proposal to make GMU 13 a nonsubsistence use area. Nothing has changed and there is no reason for another Joint Board meeting.

Ahtna below addresses several of the issues raised during the 2/13/08 committee meeting held between Board of Fisheries and Board of Game members regarding the BOG's request for another Joint Board meeting to consider a nonsubsistence use area for GMU 13. As demonstrated below, there is no reason for another meeting.

1. The Board of Game incorrectly claims that it needs the help of the Board of Fisheries to change the nonsubsistence area boundaries, so that subsistence permits for hunting in GMU "get into the right hands."

- Nonsubsistence area determinations are not made to identify who may participate in subsistence hunts or fisheries. They determine where subsistence hunts or fisheries may be permitted. The Tier II process is intended to determine who may hunt or fish if harvestable surpluses are not sufficient to provide reasonable opportunities for participation in subsistence hunts or fisheries, that is, if participation in the hunt or fishery must be restricted.
- The ADF&G developed several possible changes to the current Tier II scoring system for GMU 13 moose and caribou, based in part on earlier proposals from the public and on suggestions by the Alaska Supreme Court, for Board of Game consideration in its January 2008 meeting. These changes were likely to have provided more Tier II permits to GMU 13 residents. The Board of Game did not adopt any of the changes in the proposal or described in the staff presentation (see RCs 2, 3, and 4) at the January 2008 meeting.

2. The BOG claimed that adequate information to make an informed decision was lacking at the October meeting.

- The 2007 staff report updated information about each of the 12 factors, organizing the information in the same way as in 1992, to enable the board to make comparisons and discern if significant changes had occurred. This was accomplished through the use of 2000 federal census information, Alaska Department of Labor information through 2006, and ADF&G harvest data through 2006. These are the primary sources of information relating to most of the 12 factors.
- The ADF&G Commissioner's 10/16/07 letter to the chair of each board notes that the department's report included the information for the Joint Board to evaluate the proposals before it at the October 2007 meeting. "In summary, the department's report included the information necessary for the Joint Board to evaluate Proposals 37 and 38 in accordance with the provisions of AS 16.05.258(c). The information presented was also consistent with the approach to nonsubsistence area definitions set out by the Joint Board in their 1992 findings." (Emphasis added).

3. Some BOG members complained that only “15-year-old” data were included in the staff report.

- Demographic and socioeconomic data from the 2000 federal census were added to many of the tables and figures that were the basis of the original determinations. Alaska Department of Labor information was used to update population figures through 2006. ADF&G harvest data through 2006 was used. The costs of food and gasoline were updated from information from the University of Alaska’s Cooperative Extension Service.
- Salmon, caribou, and moose make up most of the subsistence harvests in GMU 13 communities. Harvests for these resources are monitored annually by the ADF&G. The report included data through 2006 for these resources. The ADF&G has not conducted a systematic household survey covering *all* wild resource harvests and uses since 1988 (except for Cantwell, for which data were updated in 2001 and included in the report and presentation).

4. The BOG incorrectly stated that the staff report did not provide any information on harvests specifically within the proposed area

- This is incorrect as shown in page 12 in the 2007 staff report (RC 3). Specifically, the last sentences in the first paragraph noted: harvests within the proposed area provided 85% of the caribou harvest, 45% of moose, 40% brown bear, 18% black bear, and 6% sheep, for GMU 13 communities. There are also supporting tables and figures.
- The number of caribou and moose hunters within the proposed area is discussed by place of residence in the third and fourth paragraphs. Again, there are supporting tables and figures.
- The report also included maps that show hunting areas inside and outside the proposed area.
- The report also cited the analysis done for the “exclusive harvest area” proposal considered by the Board of Game in 2005 (see footnote 6, page 13 of the staff report, RC 3).

5. Some BOG members claimed that the 2007 staff report improperly included information about communities not within the proposed boundaries of the nonsubsistence area.

- Lance Nelson, Alaska Department of Law, responded to this allegation during the 2/13/08 committee meeting, and also mentioned by one board member during the October meeting deliberations. Under AS 16.05.258 (c), the Joint Board is charged with identifying “the boundaries of nonsubsistence areas.” It must evaluate the appropriateness of the proposed boundary, that is, “the rational basis for the boundary” (as stated by Lance Nelson), and to build a record, needs to consider the “uses and users” of the area, otherwise, the boundaries might appear “arbitrary.”
- This is the approach the Joint Board took in 1992. It consistently asked whether communities not within the proposed nonsubsistence area boundaries had significant subsistence uses within the proposed area and drew boundaries to not include significant subsistence hunts or fisheries. This is clear in the Joint Board findings for the Juneau Nonsubsistence Area and the Anchorage-Matsu-Kenai Nonsubsistence Area, and which were included in the appendices of the staff report for the October 2007 meeting. The latter boundary was specifically established to exclude from the nonsubsistence area the range of the Nelchina Caribou Herd (where traditional uses took place).

6. The BOG claimed that the staff report improperly did not exclude, or at least separate out, subsistence harvest occurring on federal lands under federal subsistence regulations.

Identification of nonsubsistence areas entails assessing the role of subsistence uses in the economy, culture, and way of life of an area. The ownership of the lands and waters upon which subsistence harvests occur, and the regulations that govern subsistence harvests, are irrelevant to this assessment. Excluding harvests that occur under federal regulations would be extremely misleading, because it is all wild food harvests that assist in determining whether subsistence is a “principal characteristic” of the economy. In many communities, wild food resources that are harvested under federal regulations, such as marine mammals, migratory birds, and halibut, are major components of the total subsistence harvest. Also, there are other economic inputs from federal sources (e.g. jobs with the federal government or jobs funded by federal money) and these are not excluded from the analysis. The economic activity of subsistence hunting and fishing on federal lands should be included as should the other “federal” contributions to the local economy to evaluate the community or area economy.

7. The BOG suggests there is substantial new information that could be added to a report if there was another Joint Board meeting. Overall, it is unlikely that much additional information will be available within the next year or so to update what is in the 2007 staff report.

- Updated demographic information might be available from the Alaska Department of Labor, but it is unlikely to show much change.
- Updated cost of living information would be available from the Cooperative Extension Service, but again, nothing really new would be shown.
- There would also be another year or so of harvest data from ADF&G. Without doing a comprehensive household survey, updated information on total harvests, range of uses, and data on sharing would not be available.

8. Some BOG members argued that the Joint Board process was always supposed to include 2 meetings. This is incorrect.

- The call for proposals and the legal notice for the October meeting clearly state that the Joint Board intended to evaluate all the proposals received at the first meeting, and only schedule a second meeting to consider actual changes (“final regulatory action”) to nonsubsistence area boundaries in “appropriate proposals.” To determine if proposals were appropriate for further review, the Joint Board had to decide if 1) substantial changes had occurred relevant to the 12 factors and whether 2) critical information was missing to make a decision.