

**PROPOSAL 224 – 5 AAC 02.466. Customary and traditional subsistence uses of shellfish stocks and amounts necessary for subsistence uses.** Establish customary and traditional use findings and amounts reasonably necessary for subsistence uses for Dungeness crab, Tanner crab, miscellaneous shellfish, and shrimp in the Kodiak Area, and amend the customary and traditional use finding for king crab in the Kodiak Area, as follows:

5 AAC 02.466 is amended to read:

**5 AAC 02.466. Customary and traditional subsistence uses of shellfish stocks and amounts necessary for subsistence uses.** (a) The Alaska Board of Fisheries (board) finds that **king crab, Tanner crab, Dungeness crab, shrimp, and miscellaneous shellfish** [THE FOLLOWING SHELLFISH STOCKS] are customarily and traditionally taken or used for subsistence in the Kodiak Area.

[ (1) KING CRAB IN THE KODIAK AREA, AS DESCRIBED IN 5 AAC 02.400, EXCEPT FOR THE SEMEDI ISLAND OVERLAP, THE NORTH MAINLAND, AND THE SOUTH MAINLAND SECTIONS, AS DESCRIBED IN 5 AAC 35.505(a);

(2) DUNGENESS CRAB AND MISCELLANEOUS SHELLFISH, ON THE SOUTH SIDE OF THE ALASKA PENINSULA BETWEEN KILOKAK ROCKS 156° 19' W. LONG. AND CAPE KUMLIK 157° 27' W. LONG.]

(b) The board finds that

**(1) 3,200–8,100 Tanner crab are reasonably necessary for subsistence uses in the Kodiak Area;**

**(2) 1,200–2,800 Dungeness crab are reasonably necessary for subsistence uses in the Kodiak Area;**

**(3) 60,500–103,000 pounds of usable weight of miscellaneous shellfish are reasonably necessary for subsistence uses in the Kodiak Area;**

**(4) 1,000–8,500 pounds of usable weight of shrimp are reasonably necessary for subsistence uses in the Kodiak Area; and**

**(5) 22,000–68,000 pounds of usable weight of Dungeness crab and miscellaneous shellfish are [IS] reasonably necessary for subsistence uses on the south side of the Alaska Peninsula between Kilokak Rocks (156° 19' W. long.) and Cape Kumlik (157° 27' W. long.) [PURPOSES IN THE AREA DESCRIBED IN (a)(2) OF THIS SECTION] and in the area described in 5 AAC 02.500, combined.**

**What is the issue you would like the board to address and why?** There are no customary and traditional use findings, or amounts reasonably necessary for subsistence, in the Kodiak Area for certain shellfish stocks, but there are subsistence fishing regulations for them.

At the board's statewide Dungeness crab, shrimp, miscellaneous shellfish (except Southeast and Yakutat) and supplemental issues meeting in Anchorage, March 2015, the board had before it Proposal 237, which asked the board to consider if there are C&T uses of Tanner crab in the Kodiak Area. After the proposal was submitted in April 2014, the department determined that, in addition to Tanner crab, no C&T review had been conducted for Dungeness crab, miscellaneous shellfish, or shrimp in the Kodiak Area.

The board examined the data before it, including a C&T worksheet and ANS options, and found there were C&T uses of Tanner crab, Dungeness crab, miscellaneous shellfish, and shrimp in the Kodiak Area. In addition, the board further determined there were C&T uses of king crab in the area now excluded at 5 AAC 02.466(a)(1).

The board also made ANS findings for these stocks, with the exception of king crab. However, due to issues with the notice for the Administrative Procedures Act, the board was not authorized to amend the C&T and ANS findings in regulation.

**PROPOSED BY:** Alaska Department of Fish and Game (*formerly Agenda Change Request 5*).

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