

PROPOSAL 252 - 5 AAC 39.645. Shellfish onboard observer program. Allow a vessel carrying an onboard observer to rig, bait, and set gear for a new crab fishery before fully exiting the crab fishery for which the observer was briefed, as follows:

5 AAC 39.645(e) should be amended to read, “In addition to the permit requirements in 5 AAC 34.055 and 5 AAC 35.055, the permit for a vessel that **catches or catches and** processes Tanner crab, red king crab, blue king crab, or golden king crab must require that an observer, approved by the department and provided by the permittee, be briefed by the department for the fishery in which the vessel participates [AND THAT THE OBSERVER BE ON BOARD THE VESSEL BEFORE THE VESSEL OBTAINS A TANK INSPECTION, BEFORE THE VESSEL TAKES CRAB, AND BEFORE THE START OF AND DURING ALL PROCESSING OPERATIONS]. For the purposes of 5 AAC 34.055, 5 AAC 35.055, and 5 AAC 39.140, the observer is a representative of the department. All information collected by the observer is confidential property of the department. The department shall develop guidelines for approval of observers, including training requirements, conflict-of-interests standards, data collection schedules and standards, record keeping and reporting requirements, and other criteria needed to ensure accurate and objective reporting.

What is the issue you would like the board to address and why? The briefing requirements contained in the Shellfish Onboard Observer Program outline a rigidly narrow scope for placing certified observers onboard commercial crab catcher vessels and catcher-processor vessels. Currently, prior to a commercial vessel engaging in any activity related to setting gear, hauling gear, and offloading/processing catch in a target crab fishery, that vessel must have an observer onboard that has been briefed for that specific fishery. In seeking to adjust the regulation at 39.670(c)(3)(D), commercial crab harvesters acknowledge that that change would be in conflict with the current Shellfish Onboard Observer Program in that a vessel would not be allowed to re-rig, bait, and set gear for a new target fishery because an observer for the new target fishery would not be onboard. To illustrate this point, an observed vessel seeking to re-rig, bait, and set gear for the *C. opilio* fishery at the conclusion (final haul) of their *C. bairdi* fishery prior to their offload of *C. bairdi* are prevented from doing so because their onboard observer has not been officially briefed for this next target (although this observer for the *C. bairdi* fishery may have been briefed previously for the *C. opilio* fishery) and through the processing of re-rigging and setting gear, a vessel is considered to be officially engaged in the new target fishery.

Flexibility in gear regulations for the purpose of increased efficiencies and safety also requires flexibility in the placement of observers as part of the Shellfish Onboard Observer Program. So long as a certified shellfish observer has been briefed for a specific crab fishery at some point in the current commercial season, vessels should not be operationally constrained by unnecessarily restrictive observer regulations. If this regulation (in conjunction with 39.670(c)(3)(D)) is not modified, vessel operators will continue to waste time (i.e., increased crew hours spent tending empty gear) and money (i.e., increased fuel costs from tending empty gear) in storing and pulling open pots prior to their ability to re-rig, bait, and set those pots for their next target crab species and will be subject to an increased likelihood of incurring a major injury during the extraneous handling of pot gear.

PROPOSED BY: Alaska Bering Sea Crabbers

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