

PROPOSAL 267 – 5 AAC 02.220. Subsistence Tanner crab fishery; 5 AAC 35.306. Area E registration; 5 AAC 35.310. Fishing seasons for Registration Area E; 5 AAC 35.320. Size limits for Registration Area E; 5 AAC 35.325. Lawful gear for Registration Area E; 5 AAC 35.327. Tanner crab pot storage for Registration Area E; 5 AAC 35.340. Registration Area E inspection points; 5 AAC 35.345. Inspection requirements for Registration Area E; 5 AAC 35.3XX. Operation of other gear in Registration Area E; 5 AAC 35.3XX. Logbooks; 5 AAC 35.3XX. Reporting requirements for Registration Area E; and 5 AAC 35.3XX. Prince William Sound Tanner Crab Harvest Strategy. Create a harvest strategy and amend regulations for Tanner crab in Prince William Sound specifying conditions under which the commercial fishery may occur and reduce the legal size limit in the subsistence Tanner crab fishery, as follows:

5 AAC 02.220(2) is amended to read:

5 AAC 02.220. Subsistence Tanner crab fishery.

(2) only male Tanner crab five [AND ONE-HALF] inches or greater in width of shell may be taken or possessed;

5 AAC 35.306(b) is amended to read:

5 AAC 35.306. Area E registration.

(b) A Tanner crab vessel must be registered **under 5 AAC 35.020 no later than 30 days** [FOR REGISTRATION AREA E] before the scheduled opening date of the commercial Tanner crab season.

5 AAC 35.310 is amended to read:

5 AAC 35.310. Fishing seasons for Registration Area E. In the Northern District and Hinchinbrook District, pots may be operated to take Tanner crab only from 8:00 a.m. to 6:00 p.m., with a soak time of 14 hours, between 6:00 p.m. to 8:00 a.m., from 12:00 noon January 15 until 12:00 noon March 31. The commissioner may, by emergency order, increase the daily fishing period specified in this section based on the department's assessment of efforts, manageability, and harvest rate [THE COMMERCIAL HARVEST OF TANNER CRAB IN THE PRINCE WILLIAM SOUND AREA IS CLOSED UNTIL THE BOARD OF FISHERIES HAS ADOPTED A HARVEST STRATEGY IN THIS CHAPTER].

5 AAC 35.320 is amended to read:

5 AAC 35.320. Size limits for Registration Area E. Only male Tanner crab 5.0 [5.3] or greater in width of shell may be taken or possessed.

5 AAC 35.325 is amended to read:

5 AAC 35.325. Lawful gear for Registration Area E. (a) Tanner crab may be taken only with Tanner crab pots as defined in 5 AAC 35.050 [AND RING NETS]. Tanner crab taken by other means must be returned to the water without further harm.

(b) Repealed / /2017 [IN THE EASTERN DISTRICT, TANNER CRAB MAY BE TAKEN WITH POTS THAT HAVE TUNNEL EYE OPENINGS THAT EXCEED FIVE INCHES (13 CM) IN ONE DIMENSION].

...

(d) The number of Tanner crab pots that may be operated from a vessel will be announced before the opening of each commercial Tanner crab season, not to exceed 30 Tanner crab pots per vessel. In determining the annual pot limit, the department will consider the

(1) total number of registered vessels;

(2) estimated catch per unit effort; and

(3) size of the guideline harvest level [DURING THE COMMERCIAL TANNER CRAB SEASON IN PRINCE WILLIAM SOUND MANAGEMENT AREA, AN AGGREGATE OF NO MORE THAN 75 KING AND TANNER CRAB POTS MAY BE OPERATED FROM A VESSEL REGISTERED TO FISH FOR TANNER CRAB].

5 AAC 35.327(a) is amended to read:

5 AAC 35.327. Tanner crab pot storage for Registration Area E. (a) Cone or pyramid Tanner crab pots with all bait and bait containers removed and all doors not secured closed, and rectangular Tanner crab pots with all bait and bait containers removed and with all doors secured fully open, may be stored in the water only from 30 days before the scheduled opening date of the commercial Tanner crab season in Registration Area E until 30 days after the closure of that season.

...

5 AAC 35.340 is repealed:

5 AAC 35.340. Registration Area E inspection points. Repealed / /2017 [REGISTRATION AREA E INITIAL INSPECTION AND REINSPECTION POINTS ARE LOCATED IN CORDOVA, VALDEZ, AND SEWARD OR AT OTHER LOCATIONS SPECIFIED BY THE DEPARTMENT].

5 AAC 35.345 is amended to read:

5 AAC 35.345. Inspection requirements for Registration Area E. (a) Unless required by the commissioner under (b) of this section, a vessel fishing for Tanner crab in Registration E is not required to undergo an inspection.

(b) The commissioner may, by public announcement, require that vessels fishing for Tanner crab in Registration E be inspected within [WITHIN] 24 hours before the scheduled opening date of the commercial Tanner crab season in Registration Area E or at any time during

the open season [, A TANNER CRAB VESSEL REGISTERED FOR REGISTRATION AREA E MUST HAVE ALL HOLDS, LIVE TANKS, AND FREEZERS INSPECTED] by a local representative of the department at an inspection point specified by the department [IN 5 AAC 35.340. TANNER CRAB MAY NOT BE ON BOARD THE VESSEL AT THE TIME OF INSPECTION. THE REQUIREMENTS OF THIS SECTION DO NOT APPLY TO A REGISTERED TANNER CRAB VESSEL THAT DOES NOT HAVE A SALTWATER CIRCULATION SYSTEM IN ITS HOLDS OR LIVE TANKS].

5 AAC 35 is amended by adding new sections to read:

5 AAC 35.3XX. Operation of other gear in Registration Area E. A person or vessel that operates commercial, subsistence, sport, or personal use pots during the 30 days immediately before the scheduled opening date of the commercial Tanner crab season in Registration Area E may not participate in that commercial Tanner crab fishery.

5 AAC 35.3XX. Logbooks. (a) An operator of a vessel registered to fish using pot gear in the commercial Tanner crab fishery shall complete logbooks provided by the department.

(b) A logbooks described in (a) of this section shall be

(1) updated daily;

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

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

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

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

5 AAC 35.3XX. Reporting requirements for Registration Area E. (a) A validly registered Tanner crab vessel must report each day to the department:

(1) the number of pot lifts;

(2) the number of crab retained for the 24-hour fishing period preceding the report;

and

(3) any other information that the commissioner requests as is necessary for the management and conservation of the fishery, as specified in the vessel registration certificate issued under 5 AAC 35.306.

5 AAC 35.3XX. Prince William Sound Tanner Crab Harvest Strategy. (a) If adequate data are available, the department shall estimate the abundance of preferred legal male Tanner crab in Prince William Sound and establish a guideline harvest level for legal male Tanner crab for each fishery if that abundance is above the threshold for opening a fishery. The department will not allow fishing that causes abundance to fall below the threshold level.

(b) The minimum stock threshold for the commercial fishery is 200,000 (50 percent of the long-term average abundance) preferred legal male Tanner crab. The commercial fishery may open only if the estimated abundance is greater than or equal to 200,000 preferred legal male Tanner crab. In addition, if the commercial fishery has been closed for more than two consecutive years, then the estimated abundance must be greater than or equal to 200,000

preferred legal male Tanner crab for more than one year before the commercial fishery may open. The commercial guideline harvest level will be determined as follows:

(1) the guideline harvest level for legal male Tanner crab may not exceed 15 percent of the estimated abundance of preferred legal male Tanner crab if the estimated abundance is greater than or equal to 200,000 (50 percent of the long-term average abundance), but less than 300,000 (75 percent of the long-term average abundance) preferred legal male Tanner crab;

(2) the guideline harvest level for legal male Tanner crab may not exceed 20 percent of the estimated abundance of preferred legal male Tanner crab if the estimated abundance is greater than or equal to 300,000 (75 percent of the long-term average abundance), but less than 400,000 (long-term average abundance) preferred legal male Tanner crab;

(3) the guideline harvest level for legal male Tanner crab may not exceed 25 percent of the estimated abundance of preferred legal male Tanner crab, if the estimated abundance is greater than or equal to 400,000 (long-term average abundance) preferred legal male Tanner crab;

(4) the guideline harvest level for legal male Tanner crab may be reduced or the commercial fishery closed if the estimated commercial harvest would cause the estimated abundance of preferred male Tanner crab to fall below the minimum stock threshold.

(c) In this section,

(1) "legal male" means male Tanner crab that are 127 mm (5.0 inches) or greater in carapace width, including the lateral spines, which is the legal size crab allowed to be retained for harvest;

(2) "preferred legal male" means male Tanner crab that are 135 mm (5.3 inches) or greater in carapace width, including the lateral spines, for which the abundance is used to estimate the abundance and threshold levels of legal male crab.

What is the issue you would like the board to address and why? There is no Tanner crab harvest strategy or management plan in regulation for Prince William Sound (PWS). Using historical harvest and survey information, the department developed a commercial/noncommercial management plan and harvest strategy. Components of the new harvest strategy and management plan include provisions for new male legal size, fishing hours, season dates, lawful gear, and pot storage. Other proposed elements include registration, logbook and reporting requirements.

The commercial harvest of Tanner crab in the PWS area is closed by regulation until the board has adopted a harvest strategy.

According to the statewide regulation 5 AAC 35.080, the department shall establish an annual harvest strategy for each Tanner crab stock that is consistent with the board's *Policy on King and Tanner Crab Resource Management*. If adequate data are available (estimates of recruitment, threshold level of abundance, acceptable biological catch, historical fishery performance data and reproductive potential), the department shall establish a threshold level of abundance of each stock and may not allow fishing on any stock that is below its threshold level of abundance.

PROPOSED BY: Alaska Department of Fish and Game

(HQ-F16-161)

PROPOSAL 268 - 5 AAC 35.310. Fishing seasons for Registration Area E; 5 AAC 35.31X. Registration Area E Tanner crab harvest strategy; 5 AAC 35.325. Lawful gear for Registrations Area E; 5 AAC 35.35X. Reporting requirements for Registration Area E; and 5 AAC 55.022. General provisions for seasons, bag, possession, and size limits, and methods and means for the Prince William Sound Area. Create a harvest strategy and amend regulations for Tanner crab in Prince William Sound specifying conditions under which the commercial fishery may occur and establish a sport fishery for Tanner Crab in Prince William Sound, as follows:

The harvest strategy and fishery regulations should be as follows:

5 AAC 35.310. Fishing Seasons for Registration Area E. (a) In the Northern and Hinchinbrook Districts, pots may be operated to take Tanner crab only from 8:00 a.m. to 5:59 p.m., with a soak time of 14 hours, from 6:00 p.m. to 7:59 a.m., from 12:00 noon January 15 until 12:00 noon March 31, unless closed earlier by emergency order.

(b) For the purposes of this section, "soak time" means the period of time that Tanner crab pot gear is submerged in the water in fishing condition and not being operated.

5 AAC 35.31x. Registration Area E Tanner crab harvest strategy. (a) In the Northern and Hinchinbrook Districts, a commercial Tanner crab fishery may only open if analysis of preseason survey data indicates that the subject population 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 (1991-2001).

(b) The threshold level of mature male abundance in numbers of crab for the Northern and Hinchinbrook Districts combined is 95,000.

(c) In the Northern and Hinchinbrook Districts, the registration deadline is 5:00 p.m. January 5.

(d) If the commercial Tanner crab fishery 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 the harvest strategy under this section, the board understands that the department will consider the reliability of the estimates of abundance on 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) Tanner crab in the Western and Eastern Districts may only be taken under the authority and conditions of a permit issued by the commissioner.

(g) The long-term average of mature male abundance in numbers of crab for the Northern and Hinchinbrook Districts combined is 190,000.

(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 113 mm 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 113 mm in carapace width.

5 AAC 35.325. Lawful gear for Registration Area K. (a) Tanner crab may only be taken with Tanner crab pots. Tanner crab taken by other means must be returned to the water without further harm.

(b) Each tanner crab pot must have no less than four escape rings of no less than four and three-quarters inches (121 mm) inside diameter installed on the vertical plane to permit escapement of undersized Tanner crab.

(c) In the Northern and Hinchinbrook Districts, the total number of pots allowed in the fishery is 300; the department will establish the individual vessel pot limit by dividing the 300 total pot limit by the number of vessels that register before the season opens; no more than 30 pots per vessel is allowed.

5 AAC 35.35x. Reporting requirements for Registration Area E. In the Prince William Sound Area, a validly registered Tanner crab vessel must report each day to the department

(1) The number of pot lifts;

(2) The number of crab retained for the 24-hour fishing period preceding the report; and

(3) Any other information that the commissioner determines is necessary for the management and conservation of the fishery, as specified in the vessel registration certificate issued under 5 AAC 35.306.

5AAC 55.022. General provisions for seasons, bag, possession, and size limits, and methods and means for the Prince William Sound Area. (b) (3) Tanner crab may be taken as follows:

(A) Tanner crab may be taken only from October 1 through March 31;

(B) only male Tanner crab 5 and one-half inches or greater in width of shell may be taken or possessed:

(C) the daily bag and possession limit is five male Tanner crab.

(D) Tanner crab may be taken only under a permit issued by the department; a harvest recording form under 5 AAC 75.016 is required;

(E) no more than two pots per person with no more than two pots per vessel may be used to take Tanner crab

(F) each Tanner crab pot must have no less than two escape rings of no less than four and three-eighths inches inside diameter

(G) a Tanner crab pot may not have any portion of the line attaching to pot to a buoy floating on the surface of the water at any time, except that portion of the line connecting the main buoy to any auxiliary buoy or buoys.

What is the issue you would like the board to address and why? Cordova District Fishermen United (CDFU) is a non-profit membership organization representing over 300 family fishermen who participate in the commercial fisheries in the Prince William Sound and Copper River region. It is our mission is to preserve, promote and perpetuate the commercial fishing industry in Area E in the state of Alaska; to further promote legislation, conservation, management and the general welfare for the mutual benefit of not just our members, but all commercial fishing families in Area E. It has been 27 years since the last tanner crab fishery in PWS. The CDFU Board of Directors

finds that adoption of a commercial harvest strategy in PWS is warranted and implores the BOF serious consideration of the provisions contained herein.

A harvest strategy should be formulated from the trawl survey data. Thresholds above which a commercial fishery could occur and guideline harvest levels (GHLs) can be determined conservatively using the same format and formulas used for the Eastern Aleutians District Tanner crab harvest strategy in the Westward Area (5 AAC 35.509), which supports a small commercial Tanner crab fishery in most years.

The department trawl survey occurs in two commercial districts, the Northern and Hinchinbrook Districts, and threshold levels of abundance as well as guideline harvest levels (GHL) can be determined based on population estimates for these districts combined (threshold = 95,000 mature crab; one-half the long-term average of mature male abundance 1991-2001). Because the department does not survey in the Western and Eastern Districts, a threshold level of abundance cannot be determined; these districts should have the opportunity for a commissioner's permit fishery if conditions warrant. Season dates should be consistent with other commercial Tanner crab fisheries (January 15 - March 31). Gear limits should be set conservatively with a maximum overall number allowed in order to prevent a commercial fishery from overwhelming the available resource (maximum 300 in the fishery and maximum 30 per vessel). A registration deadline of January 5 will allow ADF&G to establish and announce vessel pot limits before the beginning of the fishery each year. Reporting requirements should be set for once each day from fishing vessels and should include at a minimum the number of pots lifted and the number of crab retained. The fishery should remain superexclusive, which is currently in regulation. The Tanner crab size limit for the commercial fishery should remain at 5.3 inches, which is currently in regulation. A sport fishery for Tanner crab in PWS should be established in regulation consistent with the subsistence fishery regulations and limits.

The department has been conducting a trawl survey and producing abundance estimates for Tanner crab in PWS since 1991 but has failed to produce a harvest strategy. Currently, regulation 5 AAC 35.310, which was adopted in 1999, states that the commercial harvest of Tanner crab in the Prince William Sound Area (PWS) is closed until the Board of Fisheries (BOF) adopts a harvest strategy. ***PWS is the only area in the state that has a stock assessment for Tanner crab and no harvest strategy in regulation.*** At the 2014 statewide king and Tanner BOF meeting, ADF&G promised that they would prepare a harvest strategy for consideration at the 2017 statewide king and Tanner meeting, and furthermore, the BOF encouraged submission of an agenda change request for consideration of a harvest strategy for PWS Tanner crab in advance of the next scheduled meeting. ADF&G asserted at this meeting that they already had enough information to create a harvest strategy. Tanner crab abundance has been increasing in PWS as documented through ADF&G trawl surveys and subsistence harvests since 2008. With a properly crafted Tanner crab harvest strategy a commercial fishery in PWS could provide economic opportunity to local fishermen and communities.

ADF&G has endured severe budget cuts in fiscal year 16 and given the current fiscal situation in the state of Alaska they are expected to endure equally severe cuts next year. Fishery surveys are being eliminated, and surveys conducted by the Commercial Fisheries Division that have no commercial fishery associated with them are most likely to be cut. ***If a harvest strategy is not***

adopted now, we risk the loss of the survey and with it any hope for a commercial Tanner crab fishery in PWS; it is imperative that we use the data from the trawl survey to create a harvest strategy now.

PROPOSED BY: Cordova District Fishermen United (CDFU) (HQ-F16-055)

PROPOSAL 269 – 5 AAC 35.310. Fishing seasons for Registration Area E. Allow a commercial Tanner crab fishery in the Western District of Prince William Sound, as follows:

On January 1st crab fishing will commence in the Western District of PWS and continue until March 15th, or until 500,000 lbs. of Tanner Crab are caught; whichever comes first. Vessels will be limited to 25 pots.

What is the issue you would like the board to address and why? The Alaska Department of Fish and Game has apparently eliminated in perpetuity commercial crab fisheries in Prince William Sound (PWS) –

The Department has since 1991 relied solely on its trawl survey for its data regarding tanner crab stocks in PWS Area E. Trawl surveys take place in a very limited area of PWS and their effectiveness in these areas is widely questioned. Area E encompasses approximately 13,000 square nautical miles. Vast swaths of Area E have neither been fished nor surveyed nor managed in any manner for three decades. The Department appears to be acting in contradiction to the Tanner and King crab policy established by the Board of Fisheries which states as one of its goals; *“providing a sustained and reliable supply of high quality product to the industry and customers which will provide substantial and stable employment in all sectors of the economy relating to these fisheries.”*

The Western District of PWS which comprises roughly 4500 square nautical miles of the total PWS area has not had a pot survey, a trawl survey or a fishery since 1998.

PROPOSED BY: Robert A. Smith (HQ-F16-035)

PROPOSAL 270 – 5 AAC 35.310. Fishing seasons for Registration Area E. Allow a commercial Tanner crab fishery in the Eastern District of Prince William Sound, as follows:

On January 1st crab fishing will commence in the Eastern District of PWS and continue until March 15th, or until 500,000 lbs. of Tanner Crab are caught; whichever comes first. Vessels will be limited to 25 pots.

What is the issue you would like the board to address and why? The Alaska Department of Fish & Game has apparently eliminated in perpetuity commercial crab fisheries in Prince William Sound (PWS) -

The Department since 1991 relied solely on its trawl survey for its data regarding tanner crab stocks in PWS Area E. Trawl survey take place in a very limited area of PWS and their effectiveness in these areas is widely questioned. Area E encompasses approximately 13,000 square nautical miles. Vast swaths of Area E have neither been fished nor surveyed nor managed in any manner for three decades. The Department appears to be acting in contradiction to the Tanner and King crab policy established by the Board of Fisheries which states as one of its goals; *“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.”*

With the exception of Dungeness surveys the Eastern District of PWS which comprises roughly 4,700 square nautical miles of the total PWS area has not had a pot survey, a trawl survey or a fishery since 1988.

PROPOSED BY: Robert A. Smith (HQ-F16-036)

PROPOSAL 271 – 5 AAC 34.2xx. Commissioner’s permits for king crab in Prince William Sound and 5 AAC 35.3xx. Commissioner’s permits for Tanner crab in Prince William Sound. Allow the department to issue commissioner’s permits for king and Tanner crab fisheries in Prince William Sound that have been closed for more than four years, as follows:

In order to accurately cross check Department data, the Commissioner of ADF&G shall be empowered to issue commissioners permits for crab fisheries for any and all districts of PWS which have heretofore been closed either by Emergency Order or regulation for any period of which exceeds 4 years.

What is the issue you would like the board to address and why? Alaska Department of Fish & Game (ADF&G) has by regulation blocked any commercial fishing of crab since 1999. From 1988-1999 commercial fishing was closed by Emergency Orders. Under current regulations, no commercial harvest can occur until the Department develops a harvest strategy. The Department has failed to develop a strategy for 18 years. At long last the Department will produce a harvest strategy for the 2017 Board of Fisheries (BOF) meeting; which apparently does not include commercial fishing. The Department’s stance appears to contradict BOF Tanner and King crab policy which states as one of its goals: *“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 and relating to these fisheries.”* In its proposed harvest strategy the Department appears to base its threshold abundance level based on an average of statistics and catch figures compiled over thirty years ago in a commercial crab fishery, combined with statistics and catch figures compiled over thirty years ago in a commercial crab fishery, combined with statistics gathered in the Department’s trawl survey. Due to budgetary constraints the Department has no plans to continue its trawl survey. A survey which by the way is destructive of habitat, and

widely viewed as not indicative of actual crab stocks. Subsistence catches indicate a level of abundance that does not appear to mesh well with the thought processes of the Department. Under current regulations the Commissioner cannot issue a Commissioners permit to conduct a fishery to provide the Department with a more accurate assessment of both Tanner and King crab stocks.

PROPOSED BY: Robert A. Smith (HQ-F16-032)

PROPOSAL 272 - 5 AAC 02.220. Subsistence Tanner crab fishery. Reduce the legal male size limit in the Prince William Sound subsistence Tanner crab fishery to five and three tenths inches or greater carapace width, as follows:

(2) Only male Tanner five and three tenths inches or greater in width of shell may be taken or possessed.

What is the issue you would like the board to address and why? Size limits for commercially caught crab are 5.3 inches. Requiring subsistence harvesters to adhere to a higher standard creates an additional burden and expense on subsistence fisherman. Currently subsistence users are the only user group permitted to harvest crab. The only user group data obtained by the Department comes from subsistence users. The discrepancy in size limits creates confusion among Department officials as well as harvesters in accurate reporting of subsistence harvests. This results in crab being reported as “sublegal” when they would qualify as legal under the 5.3 inch size limits for commercial fisheries.

PROPOSED BY: Wamu Choppell (HQ-F16-033)

PROPOSAL 273 – 5 AAC 02.220. Subsistence Tanner crab fishery. Increase the Prince William Sound subsistence Tanner crab daily bag and possession limit to 25 male Tanner crab, as follows:

5 AAC 02.220 (3) - The daily bag and possession limit is twenty five male Tanner Crab.

What is the issue you would like the board to address and why? Subsistence catches for Tanner Crab are abundant. Current bag and possession limits burden harvesters with large fuel costs. Raising bag limits will lower fuel costs and provide more local residents with access to this resource. Additionally, reducing the cost of subsistence harvesting of crab will provide the Alaska Department of Fish & Game with additional data that it needs to make informed decisions.

PROPOSED BY: Wamu Choppell (HQ-F16-037)
