

ALASKA DEPARTMENT OF FISH AND GAME

STAFF COMMENTS ON COMMERCIAL, PERSONAL USE, SPORT, GUIDED SPORT, AND SUBSISTENCE REGULATORY PROPOSALS COMMITTEE OF THE WHOLE—GROUPS 1–3

FOR STATEWIDE FINFISH

ALASKA BOARD OF FISHERIES MEETING ANCHORAGE, ALASKA

March 9–12, 2019



Regional Information Report 2A19-01

The following staff comments were prepared by the Alaska Department of Fish and Game for use at the Alaska Board of Fisheries (board) meeting, March 9–12, 2019 in Anchorage, Alaska. The comments are forwarded to assist the public and board. The comments contained herein should be considered preliminary and subject to change, as new information becomes available. Final department positions will be formulated after review of written and oral public testimony presented to the board.

Acronyms and Abbreviations

The following acronyms and abbreviations, and others approved for the *Système International d'Unités* (SI), are used without definition in the following reports by the Divisions of Commercial Fisheries, Sport Fish, and Subsistence: All others, including deviations from definitions listed below, are noted in the text at first mention, as well as in the titles or footnotes of tables, and in figure or figure captions.

Weights and measures (metric)		General		Acronyms	
centimeter	cm	Alaska Administrative Code	AAC	Acceptable Biological Catch	ABC
deciliter	dL			Alaska Board of Fisheries	board
gram	g	all commonly accepted abbreviations	e.g., Mr., Mrs., AM, PM, etc.	Alaska Department of Fish and Game	department /ADF&G
hectare	ha			Amount Necessary for Subsistence	ANS
kilogram	kg	all commonly accepted professional titles	e.g., Dr., Ph.D., R.N., etc.	Alaska Wildlife Troopers	AWT
kilometer	km			Biological Escapement Goal	BEG
liter	L	at	@	Central Gulf of Alaska	CGOA
meter	m	compass directions:		Coded Wire Tag	CWT
milliliter	mL	east	E	Commercial Fisheries Entry Commission	CFEC
millimeter	mm	north	N	Cook Inlet Aquaculture Association	CIAA
		south	S	Customary and Traditional Department of Natural Resources	C&T
Weights and measures (English)		west	W	Demersal Shelf Rockfish	DSR
cubic feet per second	ft ³ /s	copyright	©	Emergency Order	EO
foot	ft	corporate suffixes:		Guideline Harvest Level	GHL
gallon	gal	Company	Co.	Gulf of Alaska	GOA
inch	in	Corporation	Corp.	Global Positioning System	GPS
mile	mi	Incorporated	Inc.	Individual Fishing Quota	IFQ
nautical mile	nmi	Limited	Ltd.	Local Area Management Plan	LAMP
ounce	oz	District of Columbia	D.C.	Lower Cook Inlet	LCI
pound	lb	et alii (and others)	et al.	Mean Low Water	MLW
quart	qt	et cetera (and so forth)	etc.	Mean Lower Low Water	MLLW
yard	yd	exempli gratia (for example)	e.g.	No Data	ND
		Federal Information Code	FIC	National Marine Fisheries Service	NMFS
Time and temperature		id est (that is)	i.e.	National Oceanic and Atmospheric Administration	NOAA
day	d	latitude or longitude	lat or long	Nick Dudiak Fishing Lagoon	NDFL
degrees Celsius	°C	monetary symbols (U.S.)	\$, ¢	North Pacific Fishery Management Council	NPFMC
degrees Fahrenheit	°F	months (tables and figures): first three letters	Jan, ..., Dec	Optimum Escapement Goal	OEG
degrees kelvin	K	registered trademark	®	Pelagic Shelf Rockfish	PSR
hour	h	trademark	™	Prince William Sound	PWS
minute	min	United States (adjective)	U.S.	Prior Notice of Landing	PNOL
second	s	United States of America (noun)	USA	Private Nonprofit Salmon Hatchery	PNP
		U.S.C.	United States Code	River Mile	RM
Physics and chemistry		U.S. state	use two-letter abbreviations (e.g., AK, WA)	Special Harvest Area	SHA
all atomic symbols				Sustainable Escapement Goal	SEG
alternating current	AC			Trail Lakes Hatchery	TLH
ampere	A			Upper Cook Inlet	UCI
calorie	cal			Western Gulf of Alaska	WGOA
direct current	DC				
hertz	Hz				
horsepower	hp				
hydrogen ion activity (negative log of)	pH				
parts per million	ppm				
parts per thousand	ppt, ‰				
volts	V				
watts	W				

REGIONAL INFORMATION REPORT 2A19-01

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COMMERCIAL, PERSONAL USE, SPORT, GUIDED SPORT, AND
SUBSISTENCE
REGULATORY PROPOSALS
COMMITTEE OF THE WHOLE—GROUPS 1–3
FOR**

STATEWIDE FINFISH

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

March 9–12, 2019

Alaska Department of Fish and Game
Division of Commercial Fisheries
333 Raspberry Road
Anchorage, AK 99518-1565

February 2019

ABSTRACT

This document contains Alaska Department of Fish and Game staff comments on commercial, personal use, sport, guided sport, and subsistence regulatory proposals for the Statewide Finfish meeting. These comments were prepared by the department for use at the Alaska Board of Fisheries meeting, March 9–12, 2019 in Anchorage, Alaska. The comments are forwarded to assist the public and board. The comments contained herein should be considered preliminary and subject to change, as new information becomes available. Final department positions will be formulated after review of written and oral public testimony presented to the board.

Key words: Alaska Board of Fisheries (board), Alaska Department of Fish and Game (department), staff comments, regulatory proposals, fisheries, commercial, personal use, subsistence, sport, guide, salmon, king salmon, coho salmon, rockfish, king crab.

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Summary of department positions on regulatory proposals for Statewide Finfish – Anchorage, March 9–12, 2019.

Proposal no.	Department position	Issue
161	O	Require weekly reporting of salmon harvest by all permit or license holders.
162	O	Require biweekly reporting of all sport, personal use, and subsistence king salmon catch.
163	S	Prohibit the intentional waste or destruction of subsistence-caught fish.
164	S	Prohibit the intentional waste or destruction of sheefish.
181	N	Exempt EO hours used in the NKB 600-foot fishery from weekly EO hourly restrictions, making use of the NKB area consistent with the Kasilof Section 600-foot fishery and the KRSHA.
182	N	Modify the Nushagak River Coho Salmon Management Plan to provide additional fishing opportunity when the department projects the sustainable escapement goal range of 60,000–120,000 coho salmon will be achieved.
165	O	Allow a fishing guide vessel to de-register after registration in a calendar year.
166	S	Require rockfish to be released at depth.
167	O	Allow the use of two artificial flies.
168	S	Specify that any line used to make the attachment between a skiff and a purse seine used in a commercial salmon fishery may not exceed 10 fathoms in length.
169	O	Repeal and readopt the Policy for Statewide Salmon Escapement Goals.
170	O	Amend the Policy for the Management of Sustainable Salmon Fisheries to include management targets.
171	N	Modify criteria for the allocation of fishery resources among personal use, sport, and commercial fisheries.
172	S	Define “bow and arrow.
173	S	Define “ecotourism”.
179	S	Adopt a new Aleutian Islands golden king crab harvest strategy.
180	O	Establish commercial state-waters red king crab and Tanner crab fisheries in the Aleutian Islands.

N = Neutral; S = Support; O = Oppose; NA = No Action, WS = Withdrawn Support

COMMITTEE OF THE WHOLE—GROUP 1: SUBSISTENCE, SPORT, UPPER COOK INLET COMMERCIAL SALMON, AND BRISTOL BAY COHO SALMON (6 PROPOSALS)

HARVEST REPORTING (2 PROPOSALS)

PROPOSAL 161 – 5 AAC 01.XXX, 5 AAC 39.XXX, 5 AAC 75.XXX, and 5 AAC 77.XXX. New Section.

PROPOSED BY: Ralph Lohse.

WHAT WOULD THE PROPOSAL DO? This would require all commercial, sport fishing guide businesses, personal use, and subsistence license and permit holders to report harvest of salmon by species and location of harvest weekly to the department.

WHAT ARE THE CURRENT REGULATIONS? Commercial fishermen are required to report harvest of salmon sold and those retained for personal use on a fish ticket: these must be finalized and submitted to the department no later than seven days of a delivery. Sport fish guide businesses are required to submit logbook sheets within one week of the fishing trip; these data include fishing location, species harvested and released. Many subsistence and most personal use fisheries require a permit that harvests must be recorded on prior to leaving the fishing site, and the permit submitted to the department at the end of the season.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? This would require approximately 50,000 personal use permit holders and 10,000 subsistence permit holders to report their harvest of salmon on a weekly basis. This would not include harvests of unguided sport anglers or personal use and subsistence fisheries that do not require a permit. This would be a burden on Alaskans participating in personal use and subsistence fisheries with little benefit to salmon management. Additionally, this would have a prohibitive budgetary impact on the department due to the cost of developing and administering such a large-scale harvest-reporting program.

BACKGROUND: Commercial harvests are currently reported on fish tickets within 7 days of the delivery. Many subsistence and most personal use fisheries require a permit on which harvests must be recorded prior to leaving the fishing site, and then the permit submitted to the department at the end of the season. In other subsistence salmon fisheries (such as the Yukon River, Kuskokwim River, and portions of Norton Sound), harvests are estimated through voluntary post-season household surveys. Currently, the department collects sport angler catch and harvest information via creel survey interviews (data generally used inseason), mandatory saltwater charter or freshwater sport fishing guide logbooks (reported within a week of the fishing trip), and postal surveys of anglers through the annual Statewide Harvest Survey program (conducted postseason).

DEPARTMENT COMMENTS: The department **OPPOSES** this proposal. A new reporting program of this magnitude would be prohibitively expensive, and, in most cases, would duplicate current data collection programs. Existing harvest monitoring programs provide sufficient levels and accuracy of information for management. When more detailed harvest information is needed

for sustainable management of fishery resources, the department may modify existing sampling programs to meet those objectives pending available funding.

COST ANALYSIS: Approval of this proposal may result in an additional direct cost for private persons to participate in these fisheries, if they are in a remote location without access to communications by which to report their weekly harvest.

PROPOSAL 162 – 5 AAC 01.XXX, 5 AAC 75.XXX, and 5 AAC 77.XXX. New Section.

PROPOSED BY: Cordova District Fishermen United.

WHAT WOULD THE PROPOSAL DO? This would require all sport, personal use, and subsistence harvest of king salmon to be reported to the department within 14 days of the harvest.

WHAT ARE THE CURRENT REGULATIONS? Regulations for reporting king salmon harvest vary depending on the fishery. There are currently no sport, personal use, or subsistence king salmon fisheries that require all participants to report their king salmon harvest within 14 days of harvest.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? This would require approximately 500,000 sport fishing license holders, 50,000 personal use permit holders, 10,000 subsistence permit holders, and 6,000 other households that participate in subsistence salmon fisheries (not all subsistence fisheries require permits or reporting) to access the department website or other means to report their harvest of king salmon. This would be a burden on Alaskans participating in personal use and subsistence fisheries with little benefit to king salmon management. Additionally, this would have a prohibitive budgetary impact on the department due to the cost of developing and administering such a large-scale harvest-reporting program.

BACKGROUND: Many subsistence and most personal use fisheries require a permit on which harvests must be recorded prior to leaving the fishing site and then the permit submitted to the department at the end of the season. In other subsistence salmon fisheries (such as the Yukon River, Kuskokwim River, and portions of Norton Sound), harvests are estimated through voluntary post-season household surveys. Currently, the department collects sport angler catch and harvest information via creel survey interviews, mandatory saltwater charter or freshwater sport fishing guide logbooks, and postal surveys of anglers through the annual Statewide Harvest Survey program.

DEPARTMENT COMMENTS: The department **OPPOSES** this proposal. A new reporting program of this magnitude would be prohibitively expensive, and, in most cases, would duplicate current data collection programs. Existing harvest monitoring programs provide sufficient levels and accuracy of information for management. When more detailed harvest information is needed for sustainable management of fishery resources, the department may modify existing sampling programs to meet those objectives pending available funding.

COST ANALYSIS: Approval of this proposal may result in an additional direct cost for private persons to participate in these fisheries, if they are in a remote location without access to the department website or other method by which to report their harvests.

WASTE OF SUBSISTENCE-CAUGHT FISH (2 PROPOSALS)

PROPOSAL 163 – 5 AAC 01.010. Methods, means, and general provisions.

PROPOSED BY: Seth Kantner.

WHAT WOULD THE PROPOSAL DO? It would prohibit the intentional waste or destruction of subsistence caught fish.

WHAT ARE THE CURRENT REGULATIONS? Current statewide and area subsistence fisheries regulations address customary and traditional uses of subsistence caught fish, seasons, methods and means, bag, season and/or possession limits, permit requirements where applicable, and various regulations governing individual areas or subsistence fisheries provided outside state nonsubsistence areas. The intentional or wanton waste of salmon caught in subsistence fisheries is prohibited under 5 AAC 93.310. *Waste of salmon.*; however, similar statewide or area regulations prohibiting the intentional or wanton waste of nonsalmon subsistence fish do not exist nor do any statewide or area regulations specify what constitutes intentional waste or destruction of subsistence caught fish.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? The intentional waste or destruction of subsistence caught fish would be prohibited statewide.

BACKGROUND: This proposal is similar to Proposal 164. In general, the regulation of harvest and uses of subsistence caught fish follows customary and traditional determinations and patterns of use, which are variable by species and area throughout the state. It is in the best interest of subsistence users to be diligent and follow best practices in the harvest, processing, preservation, and storage of subsistence caught fish. However, despite a subsistence user's best efforts, harvested fish may spoil or otherwise become unusable because of factors beyond their control. Factors such as poor or unpredictable weather that prevents drying of subsistence caught fish, the presence of insects that may contaminate fish during the preservation process, the presence of fish diseases or parasites or fungal contamination that make the fish unsuitable for human consumption, and a variety of other factors may prevent the use of subsistence caught fish. Additionally, subsistence caught fish may be legally utilized for nonconsumptive purposes such as fertilizer, bait, or food for dogs.

Intentional waste of subsistence fishery resources is likely rare, but nonetheless, it is a concern in some areas of the state. Enforcement is a challenge because user intent and circumstance can be difficult to interpret. However, potential fish waste is more easily discerned and in the public's eye in some instances, for example, when whole fish are discarded into dumpsters or in winter subsistence fisheries where sheefish and northern pike are left on the ice.

DEPARTMENT COMMENTS: The department **SUPPORTS** prohibiting the intentional or wanton waste of subsistence caught fish. It would be beneficial to well define intentional or wanton waste of fish harvested under all opportunities – subsistence, sport, and personal use – to differentiate between intentional waste of fish because of negligence or indifference and spoilage or loss of fish because of factors beyond the user's ability to control. If applied to subsistence fisheries, the board should consider whether the regulations continue to provide a reasonable opportunity for success in harvesting fish for subsistence uses. Existing regulations governing the intentional or wanton waste of salmon under 5 AAC 93.310 may serve as a template to address this concern.

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

PROPOSAL 164 – 5 AAC 01.010. Methods, means, and general provisions.

PROPOSED BY: Kotzebue Fish and Game Advisory Committee.

WHAT WOULD THE PROPOSAL DO? It would prohibit the intentional waste or destruction of subsistence caught sheefish (inconnu).

WHAT ARE THE CURRENT REGULATIONS? Current statewide and area subsistence fisheries regulations address customary and traditional uses of subsistence caught fish, seasons, methods and means, bag, season and/or possession limits, permit requirements where applicable, and various regulations governing individual areas or subsistence fisheries provided outside state nonsubsistence areas. The intentional or wanton waste of salmon caught in subsistence fisheries is prohibited under 5 AAC 93.310. *Waste of salmon.*; however, similar statewide or area regulations prohibiting the intentional or wanton waste of nonsalmon subsistence fish such as sheefish do not exist nor do any statewide or area regulations specify what constitutes intentional waste or destruction of subsistence caught fish.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? The intentional waste or destruction of subsistence caught sheefish would be prohibited statewide.

BACKGROUND: This proposal is similar to Proposal 163, except it is specifically focused on waste of sheefish. In general, the regulation of harvest and uses of subsistence caught fish follows customary and traditional determinations and patterns of use, which are variable by species and area throughout the state. It is in the best interest of subsistence users to be diligent and follow best practices in the harvest, processing, preservation, and storage of subsistence caught fish. However, despite a subsistence user's best efforts, harvested fish may spoil or otherwise become unusable because of factors beyond their control. Factors such as poor or unpredictable weather that prevents drying of subsistence caught fish, the presence of insects that may contaminate fish during the preservation process, the presence of fish diseases or parasites or fungal contamination that make the fish unsuitable for human consumption, and a variety of other factors may prevent the use of subsistence caught fish. Additionally, subsistence caught fish may be legally utilized for nonconsumptive purposes such as fertilizer, bait, or food for dogs.

Intentional waste of subsistence fishery resources is likely rare, but nonetheless, it is a concern in some areas of the state. Enforcement is a challenge because user intent and circumstance can be difficult to interpret. However, potential fish waste is more easily discerned and in the public's eye in some instances, for example, when whole fish are discarded into dumpsters or in winter subsistence fisheries where sheefish are left on the ice.

DEPARTMENT COMMENTS: The department **SUPPORTS** prohibiting the intentional or wanton waste of subsistence caught fish including sheefish. It would be beneficial to well define intentional or wanton waste of fish harvested under all opportunities – subsistence, sport, and personal use – to differentiate between intentional waste of fish because of negligence or indifference and spoilage or loss of fish because of factors beyond the user's ability to control. If applied to subsistence fisheries, the board should consider whether the regulations continue to provide a reasonable opportunity for success in harvesting fish for subsistence uses. Existing regulations governing the intentional or wanton waste of salmon under 5 AAC 93.310 may serve as a template to address this concern.

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

UPPER COOK INLET COMMERCIAL SALMON (1 PROPOSAL)

PROPOSAL 181 – 5 AAC 21.310. Fishing seasons.

PROPOSED BY: Gary Hollier.

WHAT WOULD THE PROPOSAL DO? This would exempt hours fished within 600 feet of the mean high tide mark with set gillnets in the North Kalifornsky Beach (NKB) statistical area (244-32) from the weekly restrictive provisions on the amount of fishing time allowed by emergency order (EO) described in the *Kenai River Late-Run King Salmon Management Plan* (5 AAC 21.359(e)(3)) or in the *Kenai River Late-Run Sockeye Salmon Management Plan* (5 AAC 21.360).

WHAT ARE THE CURRENT REGULATIONS? On or after July 8, when the Kasilof Section is open to commercial fishing with set gillnets and the Kenai and East Forelands Sections are closed, commercial fishing with set gillnets may be allowed within 600 feet of the mean high tide mark in that portion of the Kenai Section north of the Blanchard Line and south of the Kenai River (NKB statistical area 244-32), which is approximately 4 miles of beach. If the NKB 600-foot fishery is opened, which can only occur via EO, the hours provided to this fishery count toward the weekly EO hourly limitations for the entire Upper Subdistrict set gillnet fishery found in 5 AAC 21.359(e)(3) and 5 AAC 21.360.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? The hours used in the NKB 600-foot set gillnet fishery would not reduce the number of EO hours that the entire Upper Subdistrict set gillnet fishery could be opened, as described in 5 AAC 21.359(e)(3) or 5 AAC 21.360. Therefore, the decision on whether or not to use the NKB 600-foot fishery would be based on fish abundance and not on how utilization of this area might affect time available in other fisheries. Use of the NKB 600-foot fishery would increase the harvest of Kenai and Kasilof river sockeye salmon and could result in less time fished in the Kasilof River Special Harvest Area. Based on data from the two dates where the NKB 600-foot fishery was open in 2018, harvest of king salmon was minimal, with 11 fish total caught from the two fishing periods.

BACKGROUND: The provision allowing the option to open the NKB 600-foot fishery (5 AAC 21.310(b)(2)(C)(ii)) was first adopted at the 2017 Upper Cook Inlet board meeting after deliberation on Proposal 136, as amended with substitute regulatory language in RC 96. The intent of this provision was to harvest Kasilof River sockeye salmon and minimize the use of the Kasilof River Special Harvest Area (KRSHA). At this same meeting, the board modified the Kasilof River Salmon Management Plan, 5 AAC 21.365(c)(3), after deliberating Proposal 101, by stating if the Kasilof Section set gillnet fishery was restricted to fishing within 600 feet of the mean high tide mark, the hours used in this fishery were not subject to the time limitations in 5 AAC 21.359(e)(3) and 5 AAC 21.360. This is the same exemption that is applied to hours fished in the KRSHA. However, during committee discussions, board deliberations, and in submitted RCs, there was no mention of including the recently adopted NKB 600-foot fishery in any hourly exemptions. Therefore, it is unclear whether this was board intent or if it was an oversight.

This proposal was submitted to the board as ACR #7 at the October 2018 work session.

DEPARTMENT COMMENTS: The department is **NEUTRAL** on this allocative proposal.

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

BRISTOL BAY AREA NUSHAGAK RIVER COHO SALMON MANAGEMENT PLAN (1 PROPOSAL)

PROPOSAL 182 – 5 AAC 06.368. Nushagak River Coho Salmon Management Plan.

PROPOSED BY: Alaska Board of Fisheries.

WHAT WOULD THE PROPOSAL DO? This would modify the *Nushagak River Coho Salmon Management Plan* to provide additional fishing opportunity when the department projects the sustainable escapement goal range of 60,000–120,000 coho salmon will be achieved.

WHAT ARE THE CURRENT REGULATIONS? Provisions within the *Nushagak River Coho Salmon Management Plan* outline restrictions to the commercial, sport, and subsistence fisheries based on the department projection of coho salmon escapement on August 25. The commercial fishery shall be managed to achieve the inriver goal of 70,000–130,000 coho salmon which includes the coho salmon sustainable escapement goal (SEG) of 60,000–120,000 fish. If the projection is between 70,000–120,000 fish the commercial fishery shall be closed, and the sport fishery may be restricted. If the projection is between 60,000–70,000 coho salmon the commercial and sport fisheries will be closed. If the projection falls under 60,000 coho salmon the commercial, sport, and subsistence fisheries will be closed. The sport fishery has a guideline harvest level (GHL) of 2,000 fish, this GHL does not apply if the projected return is estimated to be greater than 120,000 fish. The department shall manage the sport fishery to ensure a sustainable escapement goal of 60,000–120,000 coho salmon. The August 25 escapement projection is made on August 1.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? Additional coho salmon fishing time may be provided in the commercial fishery when the department's coho salmon projection is within the SEG and would reduce the likelihood of restrictions to sport and subsistence fisheries.

BACKGROUND: The *Nushagak River Coho Salmon Management Plan* was developed in the 1990's with stakeholder input because of concerns over poor coho salmon runs in the Nushagak River. The plan has had several different trigger points for coho and pink salmon which were modified most recently during the 2015 Bristol Bay board meeting. Management triggers in the *Nushagak River Coho Salmon Management Plan* were modified to ranges based on the sustainable escapement goal of 60,000–120,000 coho salmon. The plan now restricts fishing opportunity under all scenarios, unless the department projects on August 1, that the coho salmon escapement will be above 120,000 fish on August 25.

DEPARTMENT COMMENTS: The department is **NEUTRAL** on this allocative proposal. Reexamining the inseason management projection date of August 1 and inseason management triggers may provide additional coho salmon fishing opportunity for subsistence, sport, and commercial fisherman.

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

SUBSISTENCE REGULATION REVIEW:

1. Are these stocks in a nonsubsistence area? No.
2. Are these stocks customarily and traditionally taken or used for subsistence? Yes. The board has found that all finfish in the Bristol Bay Area are customarily and traditionally taken or used for subsistence (5 AAC 01.336).
3. Can a portion of these stocks be harvested consistent with sustained yield? Yes.
4. What amounts are reasonably necessary for subsistence uses? The board has established that 157,000–172,171 salmon, including 55,000–65,000 Kvichak River drainage sockeye salmon, as well as 250,000 usable pounds of finfish other than salmon are the amounts reasonably necessary for subsistence uses of finfish in the Bristol Bay Area.
5. Do the regulations provide a reasonable opportunity for subsistence uses? This is a board determination.
6. Is it necessary to reduce or eliminate other uses to provide a reasonable opportunity for subsistence uses? This is a board determination.

**COMMITTEE OF THE WHOLE—GROUP 2: GUIDE VESSEL
REGISTRATION, STATEWIDE METHODS AND MEANS
AND COMMERCIAL SEINE GEAR,
POLICY/ALLOCATION, AND DEFINITIONS
(9 PROPOSALS)**

GUIDE VESSEL REGISTRATION (1 PROPOSAL)

PROPOSAL 165 – 5 AAC 75.077. Sport fishing guide vessel registration requirements.

PROPOSED BY: Alaska Charter Association.

WHAT WOULD THE PROPOSAL DO? This would allow sport fishing guide businesses to deregister their vessel, used to provide sport fishing guide services, once during a calendar year. That same vessel would not be able to be registered again with the department until after December 31 of that year. This would allow owners of the charter vessel to take persons who are not immediate family members on their deregistered vessel to fish for subsistence halibut under federal regulations.

WHAT ARE THE CURRENT REGULATIONS? Before being used to provide sport fishing guide services, a vessel must be registered annually with the department by the sport fishing guide business owner or authorized agent. There are no state regulations that provide for deregistering a vessel.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? This would provide the opportunity for sport fish guide business vessel owners to be able to use the vessel they use to provide sport fishing guide services to participate with that vessel in the federal subsistence halibut fishery with non-immediate family members on board, once the vessel has been deregistered. This could increase subsistence halibut harvest by an unknown amount since subsistence halibut anglers who previously may not have been able to fish due to lack of an appropriate fishing vessel would now able to fish for subsistence halibut.

BACKGROUND: Pacific halibut are a federally-managed species, under the authority of NOAA-NMFS. Current federal halibut regulations do not allow a charter vessel to be used for subsistence halibut fishing while charter vessel anglers are on board the vessel. The owner of a vessel that is registered with the State of Alaska as a charter vessel may use the vessel to harvest subsistence halibut provided the owner has a valid Subsistence Halibut Registration Certificate (SHARC). Only the vessel owner and members of the vessel owner’s immediate family may be on board the registered vessel while subsistence halibut fishing. Only the vessel owner and members of the vessel owner’s immediate family who hold a valid SHARC may fish for subsistence halibut from the registered charter vessel.

In 2017, there were 1,006 vessels registered with the department to provide salt water sport fishing guide services. It is unknown how many of the vessel owners held SHARCs for subsistence halibut.

DEPARTMENT COMMENTS: The department **OPPOSES** this proposal. The National Marine Fisheries Service manages the federal subsistence halibut fishery. Adoption of this proposal would require the department to deregister and track charter vessels beyond what is currently done by the department under the sport fishing guide vessel registration requirement adopted by the board. The proposer states that changing federal regulations to allow for charter vessel owners to take non-immediate family members subsistence halibut fishing on their registered charter vessel would be cumbersome. The department believes that the federal manager should address this issue before the State of Alaska takes any action.

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

METHODS AND MEANS (2 PROPOSALS)

PROPOSAL 166 – 5 AAC 75.020. Sport fishing gear.

PROPOSED BY: Seward Fish and Game Advisory Committee.

WHAT WOULD THE PROPOSAL DO? This would require all sport fishing anglers, starting January 1, 2020, to use a deepwater release mechanism (DRM) to release a rockfish at the depth it was hooked, or 100 feet, whichever is shallower. It also defines DRM.

WHAT ARE THE CURRENT REGULATIONS? With the exception of charter anglers in Southeast Alaska who are releasing *nonpelagic* rockfish, all anglers may use a DRM to release rockfish; however, they are not required by regulation to release rockfish at depth. Beginning January 1, 2020, the following regulations will go into effect: all anglers sport fishing from a vessel in PWS will be required to release *all rockfish* with a DRM; all anglers sport fishing from a vessel in SEAK will be required to release *nonpelagic* rockfish with a DRM; and all vessels from which sport fishing is taking place in PWS and SEAK will be required to have at least one functional DRM on board and readily available for use.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? This will significantly reduce the discard mortality of all species of rockfish. The proper use of DRMs improves survival of released rockfish. By requiring anglers to use a DRM, the use rates of DRMs among anglers would be expected to increase, compared to the current voluntary use by private anglers, which ranges from 0 to 70% for pelagic and 20 to 75% for nonpelagic rockfish, depending on port and year. The actual conservation benefit of this proposal will depend on use rates, as well as angler skill in the proper use of the DRM, and handling of fish released. The proposal will require anglers to release some rockfish at depth unnecessarily.

This would align statewide regulations with those in PWS beginning January 1, 2020 but would expand regulations in SEAK to include all rockfish (currently required for nonpelagic rockfish only). This would bring Kodiak, Resurrection Bay and North Gulf Coast, and Cook Inlet areas into regulatory alignment with SEAK and PWS.

BACKGROUND: Rockfish are defined in 5 AAC 75.995(22) as all fish belonging to the genus *Sebastes*. This is a complex group of fish, and for management simplicity are grouped into pelagic and nonpelagic subgroups. Pelagic rockfish are defined in 5 AAC 75.995(47) as dark, dusky, widow, yellowtail, black and deacon rockfishes. All rockfish share a life history of slow growth rates, long lives and are late to mature. Pelagic rockfish have been aged at more than 55 years, while nonpelagic species have been aged to well over 100 years of age. Nonpelagic species are defined in 5 AAC 75.995(46) as all other members of the genus *Sebastes* not defined as pelagic. Pelagic species have a preference for shallower water but are found throughout the water column, from the surface to deep rockpiles. When caught at depths shallower than 60 feet they can almost always submerge back to capture depth on their own. When caught at depths deeper than 60 feet, the species in this assemblage also require deepwater release for survival. Nonpelagic rockfish are predominately found on the bottom in deep water, high-pressure environments. Rockfish have a swim bladder without a valve and are subject to high mortality rates when released at the surface due to the injuries (barotrauma) and positive buoyancy caused by expansion of swim bladder gasses when the fish is brought to the surface. Barotrauma injuries include crushed, displaced, or ruptured internal organs, everted esophagus and stomach, embolisms (air bubbles in blood), exophthalmia (bulging eye), ocular emphysemas (air bubbles

inside eye), and detached retinas. Often, fish released at the surface are too buoyant to return to depth. Pelagic species also incur these injuries, but to a lesser extent, due to physiological and behavioral differences in depth regulation and their preference for shallower water.

Studies in Oregon and Alaska indicate that some portion of rockfish released at the surface are able to submerge on their own, but that this ability varies by species and depth of capture. Recent research has focused on ways to reduce the effects of barotrauma by lowering the fish back to deep water quickly after capture. Various recompression devices have been marketed to release fish at the depth of capture as quickly as possible. Research by the department suggests survival of released yelloweye rockfish could be increased from about 20% to over 90% by using these simple devices. Studies in the scientific literature demonstrate substantial increases in survival following deepwater release for numerous rockfish species.

Outreach and education efforts, which began in 2012, have been aimed at promoting the use of DRMs when releasing rockfish and are ongoing in Southeast and in Southcentral. In spring 2017, the department developed an outreach plan for Gulf of Alaska fisheries specifically to increase awareness and voluntary use of DRMs when releasing rockfish. In accordance with that plan, the department sponsored educational events in 2018 at major ports or coastal communities throughout the Gulf. Printed and online materials were developed for distribution to the public that detail rockfish identification and release methods. All efforts are being tracked and recorded for future analysis.

At the January 2018 Southeast and March 2018 Statewide board meetings, the board adopted proposals to require the use of DRMs by all anglers sport fishing from a vessel in PWS to release *all rockfish*, and in SEAK to release *nonpelagic* rockfish, and that all vessels in which sport fishing is taking place in PWS and SEAK have at least one functional DRM on board and readily available for use beginning January 1, 2020. Currently in SEAK only sport fish anglers on charter boats are required to release *nonpelagic* rockfish with DRMs and only charter vessels are required to have a functional DRMs on board and readily available for use.

DEPARTMENT COMMENTS: The department **SUPPORTS** this proposal. The department has promoted the use of DRM as a means to reduce release mortality of rockfish. It has also promoted effective release of rockfish through outreach efforts and has developed a comprehensive outreach strategy to increase the use of DRMs voluntarily. Despite this outreach many advisory council members and members of the public still do not know what deepwater release is, and how effective it can be to decrease the mortality of released rockfish. There are more than thirty species of rockfish found in Alaska. Commonly caught pelagic species include black, dark, dusky, and yellowtail rockfish. Commonly caught nonpelagic species include yelloweye, quillback, copper, China, silvergray, roughey and shortraker. The majority of anglers can identify a rockfish, but most cannot distinguish between pelagic and nonpelagic varieties easily. Requiring the use of DRMs by regulation for this entire species complex will increase their use and simplify regulations. It may burden anglers by, in some cases, requiring rockfish to be released at depth unnecessarily and may also pose enforcement difficulties.

COST ANALYSIS: Approval of this proposal will result in an additional direct cost for a private person to participate in this fishery. All anglers would need to purchase or manufacture a DRM if they are sport angling in marine waters of Alaska, regardless of their target species.

PROPOSAL 167 – 5 AAC 75.024. Gear for fly-fishing-only waters.

PROPOSED BY: Phil Brna and Mike Brown.

WHAT WOULD THE PROPOSAL DO? Allow the use of two single-hook artificial flies as legal gear in fly-fishing-only waters.

WHAT ARE THE CURRENT REGULATIONS? In waters designated as fly-fishing-only waters, sport fishing is permitted with not more than one single-hook artificial fly that weighs less than one-fourth ounce, including the hook, and with a gap between the point and shank of the hook that is three-eighths inch or less.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? This would liberalize the allowable gear in fly-fishing-only areas. Additionally, it may increase harvest and catch of target fish species and has potential to increase hooking injury and/or mortality. This would essentially align the fly-fishing-only regulations with the statewide methods and means that currently allows the use of two artificial flies. The only difference would be the requirement in fly-fishing-only regulations that any weight used must be 18 inches or more ahead of the artificial fly.

BACKGROUND: Fly-fishing-only regulations for specific waters of the state have been in effect since at least 1966 (Kenai River). Fly-fishing-only regulations have been adopted in most areas to reduce the incidence of both intentional and unintentional snagging. There are other waters in the state that require only one single-hook artificial fly (Bristol Bay) or one unbaited, single-hook, artificial lure (Anchor and Kasilof rivers, Deep Creek) to be used during specific times of the year, but these have not been designated fly-fishing-only waters. Current areas that have fly-fishing-only designations include:

- Robe River (PWS) downstream from the Richardson Highway to an ADF&G regulatory marker located approximately 100 yards downstream from the confluence with the Lowe River.
- Kenai Peninsula Area
 - o English Bay River from its mouth, including the lagoon, upstream to Lower English Bay Lake, June 1 – July 31.
 - o Russian River from its confluence with the Kenai River, upstream to an ADF&G regulatory marker located approximately 600 yards downstream from the falls, June 11 – August 20.
 - o The Russian River sanctuary area, which consists of waters upstream from ADF&G regulatory markers located just downstream of the ferry crossing on the Kenai River, to ADF&G regulatory markers located approximately 300 yards upstream of the public boat launch at Sportsman’s Landing, including the waters around the upstream end of the island near the Russian River mouth, and the Russian River from its mouth upstream 100 yards to ADF&G regulatory markers, July 15 – August 20.
 - o That portion of the Kenai River from an ADF&G regulatory marker located below the Ferry Crossing on the Kenai River downstream to the power line crossing, June 11 – August 20.
- Wolverine Creek (West Cook Inlet), including Big River Lake within a 500-yard radius of the mouth of Wolverine Creek, June 1 – July 31.

DEPARTMENT COMMENTS: The department **OPPOSES** this proposal. This would merge fly-fishing-only regulations with statewide methods and means regulations, resulting in the loss of the fly-fishing-only designation as a management tool. Due to the varying reasons for implementing the one single-hook artificial fly regulations to specific water bodies, a statewide approach to this terminal gear requirement is not advisable.

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

SEINE GEAR SPECIFICATIONS AND OPERATION (1 PROPOSAL)

PROPOSAL 168 – 5 AAC 39.260. Seine specifications and operations.

PROPOSED BY: Alaska Department of Fish and Game.

WHAT WOULD THE PROPOSAL DO? This would limit the length of any line used to make the attachment between a skiff and a purse seine used in a commercial salmon fishery to no more than 10 fathoms.

WHAT ARE THE CURRENT REGULATIONS? In a commercial salmon fishery any line used to attach the purse seine and seine vessel may not exceed 10 fathoms in length, however length of any line used to attach the purse seine to the skiff is not specified in regulation. In some areas of the state a purse seine is considered to have ceased fishing when both ends of the seine are attached to the seine vessel.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? Limiting the length of any line connecting the seine vessel or skiff and the purse seine to 10 fathoms will promote orderly closure of commercial fishing periods for salmon.

BACKGROUND: The department has received reports that in at least one of the areas where a purse seine is considered to have ceased fishing when both ends of the seine are attached to the seine vessel, some fishermen attach a second line, much longer than the tow line, to the skiff-end of the seine, and near the end of a fishing period, attach the opposite end of that line to the seine vessel, thereby meeting the requirement that both ends of the seine be attached to the seine vessel when the fishing period closes. In these instances where the long connector line is deployed, fishermen have been able to keep the purse seine in an open and actively fishing configuration after the close of a fishing period.

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

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

POLICY/ALLOCATION (3 PROPOSALS)

PROPOSAL 169 – 5 AAC 39.223. Policy for statewide salmon escapement goals.

PROPOSED BY: Jeff Fox.

WHAT WOULD THE PROPOSAL DO? This would repeal the existing language in the *Policy for statewide salmon escapement goals*, direct the department to manage for maximum sustained yield (MSY), and set biological escapement goals (BEGs) with a range of 90% of the MSY value on both sides of MSY. These would be established for all important salmon stocks for which the department can enumerate salmon escapement levels, as well as total annual returns. The proposal replaces sustainable escapement goals (SEGs) with management targets (MTs) that would be set and evaluated using guidelines recommended for a 3-tier percentile approach. Management targets would be set for stocks in need of inseason management for which the department only has escapement information. Other escapement goal categories, including sustained escapement threshold (SET) and optimal escapement goal (OEG), would be removed from the language. The department would be required to provide the final escapement goal report for each area within a board cycle by January 10 of that year.

WHAT ARE THE CURRENT REGULATIONS? The *Policy for statewide salmon escapement goals* (5 AAC 39.223) was adopted in regulation in 2001 to provide concepts, criteria, and procedures for establishing and modifying salmon escapement goals and to establish a process that facilitates public review of allocative issues associated with escapement goals. The establishment of salmon escapement goals is the responsibility of both the board and the department working collaboratively. The department establishes and reviews escapement goals (BEG or SEG) and reports to the board and the public when escapement goals are developed or modified. The board adopts regulations to address any allocation issues that might result from implementation of new or revised escapement goals and, when appropriate, may adopt an OEG.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? This would result in overly specific, prescriptive processes and methodologies to set escapement goals. This may result in development or modification of escapement goals not based on the best available science and may preclude use of potential new methods to establish, evaluate, and/or modify goals without modifying the policy. Biological escapement goals based on statewide prescriptive methods may negatively impact fisheries management to attain those goals. Development of BEGs would be required for all important salmon stocks, though “important salmon stocks” is not clearly defined within the proposed language or in the referenced set of definitions in 5 AAC 39.222(f). The separation of roles and responsibilities between the department and the board in, and the board process of, development and modification of escapement goals would be removed.

BACKGROUND: The department has the authority (AS 16.05.020) to establish the annual level of salmon spawning stock required to maintain a sustainable harvest and also to manage commercial, sport, personal use, and subsistence fisheries to ensure that annual spawning escapement requirements are met. In 1992, the department adopted an escapement goal policy (EGP) that formalized the approach used to manage fisheries on the “sustained yield principle” mandated in the Alaska Constitution. The EGP defined concepts relating to escapement goals, specified criteria and procedures for establishing and modifying escapement goals and established a process that facilitated public review of allocative issues associated with establishing and modifying escapement goals. In 2001, the board adopted a modified version of the department’s EGP into regulation. The *Policy for statewide salmon escapement goals* was

established to provide concepts, criteria, and procedures for establishing and modifying salmon escapement goals and to establish a process that facilitates public review of allocative issues associated with escapement goals.

DEPARTMENT COMMENTS: The department **OPPOSES** this proposal as written. The current process outlined in the *Policy for statewide salmon escapement goals* provides escapement goals based on the best available science, review of existing goals on the 3-year regulatory cycle and aligns with the *Policy for the management of sustainable salmon fisheries* (5 AAC 39.222). Discussion between the department and board during the recent work session resulted in the department moving forward to more timely review of escapement goals and provide escapement goal recommendations prior to the proposal deadline to better inform the public.

COST ANALYSIS: Approval of this proposal is not expected to result in an additional direct cost for a private person to participate in these fisheries.

PROPOSAL 170 – 5 AAC 39.222. Policy for the management of sustainable salmon fisheries.

PROPOSED BY: Jeff Fox.

WHAT WOULD THE PROPOSAL DO? This would amend the *Policy for the management of sustainable salmon fisheries* by removing the definitions and categories of most existing escapement goals [sustainable escapement goal (SEG), optimal escapement goal (OEG), sustained escapement threshold (SET), inriver goals (IRG)] and replace them with a “management target” (MT) based on guidelines recommended for a 3-tier percentile approach. The biological escapement goal (BEG) would remain, but its revised definition would include a prescription that the range will be evenly centered at 90 percent of MSY. In addition, this removes the stock of concern identification process and criteria for stock status determination. Alaska salmon fisheries would be managed for MSY, not sustained yield. This proposal also removes language directing the board and department to consider other factors, including data uncertainty, when formulating fishery management plans and developing escapement goals.

WHAT ARE THE CURRENT REGULATIONS? The *Policy for the management of sustainable salmon fisheries* (5 AAC 39.222) was adopted by the board in 2001 to ensure conservation of salmon and their required marine and aquatic habitats, protection of customary and traditional subsistence uses and other uses, and the sustained economic health of Alaska’s fishing communities. It outlines principles and criteria to manage Alaska’s salmon fisheries for sustained yield. Due to uncertainty, salmon stocks, fisheries, and habitat will be managed under a precautionary approach. A process is outlined for review of stock status to occur in conjunction with the regulatory cycle; determine if a stock of yield, management, or conservation concern exists; and take appropriate regulatory action if required.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? This would remove components of the *Policy for the management of sustainable salmon fisheries* specific to escapement goals and replace SEG with MT. Establishing biological escapement goals based on statewide prescriptive methods may negatively impact fisheries management to attain those goals and ignores uncertainty associated with measurement techniques, stock production and environmental changes. The proposal would delete the concepts of SEG, SET, OEGs, and IRG from the policy. The department would manage for BEG stocks first, and then, if practical, manage MT stocks. In addition, all components of the policy specific to stocks of concern would be removed with no guidance to address salmon stocks in decline.

The separation of roles and responsibilities between the department and the board in, and the board process of, development and modification of escapement goals would be removed. Managing fisheries to obtain maximum sustained yield would become the imperative with decisions concerning the methods and means of doing so resting solely with the commissioner. As written under 5 AAC 39.222(f)(3) and (f)(36), BEGs and SEGs “... will be determined by the department ...”. Since this proposal removes the concept of optimum sustained yield and OEGs from the policy, the board would be potentially limited in its ability to formulate management plans and thereby allocate surpluses among users, or to distribute the burden of conservation per 5 AAC 39.222(c)(4)(D) (“ ...the burden of conservation shall be shared among all fisheries in close proportion to each fisheries' respective use ... consistent ... with AS 16.05.251 and AS 16.05.258”). By default, allocations among users would be a consequence of circumstances surrounding meeting escapement goals for one or more important stocks depending on which

stock(s) the commissioner selects as being “important.” In addition, the board’s authority to allocate fisheries resources among users lies in statute (AS 16.05.251 and AS 16.05.258). In denying the board this mandate, this proposal as a regulation would likely be in conflict with statute.

BACKGROUND: The department has the authority (AS 16.05.020) to establish the annual level of salmon spawning stock required to maintain a sustainable harvest and also to manage commercial, sport, personal use, and subsistence fisheries to ensure that annual spawning escapement requirements are met. In 1992, the department adopted an escapement goal policy (EGP) that formalized the approach used to manage fisheries on the “sustained yield principle” mandated in the Alaska Constitution. The EGP defined concepts relating to escapement goals, specified criteria and procedures for establishing and modifying escapement goals and established a process that facilitated public review of allocative issues associated with establishing and modifying escapement goals. In 2001, the board adopted a modified version of the department’s EGP into regulation. The *Policy for the management of sustainable salmon fisheries* was developed through a collaborative process involving the department, the board, and the public. The policy was adopted in 2000 to ensure conservation of salmon and their required marine and aquatic habitats, protection of customary and traditional subsistence uses and other uses, and the sustained economic health of Alaska’s fishing communities.

DEPARTMENT COMMENTS: The department **OPPOSES** this proposal as written. The existing *Policy for the management of sustainable salmon fisheries* provides guidance to the department and board for management of Alaska’s salmon stocks for sustained yield. This proposal would remove much of that guidance and components of the policy specific to stocks of concern and identifying actions to rebuild stocks. In addition, it reduces the type of escapements goals from 3 to 2, is very prescriptive in developing escapement goals, and removes the related categories of sustained yield and inriver run goal (IRG), potentially oversimplifying the escapement goal process.

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

PROPOSAL 171 – 5 AAC 39.205, 5 AAC 75.017, and 5 AAC 77.007. Criteria for the allocation of fishery resources among personal use, sport, and commercial fisheries.

PROPOSED BY: Kenai River Sportfishing Association.

WHAT WOULD THE PROPOSAL DO? This would modify the process and criteria the board uses for allocating the state’s fishery resources among personal use, sport, and commercial fisheries. It provides specific criteria in priority order when the board addresses allocation of fish resources within state nonsubsistence areas.

WHAT ARE THE CURRENT REGULATIONS? The criteria for allocation of fishery resources among personal use, commercial, and sport fisheries is found in AS 16.05.251(e). When adopting regulations, the board will consider the factors listed in this statute. The Joint Boards of Fisheries and Game have identified five nonsubsistence areas in Alaska: the Ketchikan Nonsubsistence Area, the Juneau Nonsubsistence Area, the Anchorage-Matsu-Kenai Peninsula Nonsubsistence Area, the Fairbanks Nonsubsistence Area, and the Valdez Nonsubsistence Area.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? By adding a priority order to the criteria, this may create a preference for certain fisheries within the nonsubsistence areas.

BACKGROUND: Regulations in 5 AAC 39.205, 5 AAC 75.017, and 5 AAC 77.007 were adopted in 1987 to reference factors found in statute (AS 16.05.251(e)) for the board to consider when making allocative decisions.

The Joint Boards last addressed nonsubsistence areas in 2013. The department prepared an extensive report that can be found at <http://www.adfg.alaska.gov/techpap/TP386.pdf>

DEPARTMENT COMMENTS: The department is **NEUTRAL** on this allocative proposal.

COST ANALYSIS: Approval of this proposal is not expected to result in an additional direct cost for a private person to participate in these fisheries.

DEFINITIONS (2 PROPOSALS)

PROPOSAL 172 – 5 AAC 75.995. Definitions.

PROPOSED BY: Alaska Department of Fish and Game.

WHAT WOULD THE PROPOSAL DO? This would provide a definition of “bow and arrow” in statewide sport fishing regulations.

WHAT ARE THE CURRENT REGULATIONS? There is no definition of “bow and arrow” in statewide sport fishing regulations. In 5 AAC 52, 59, 60, 61, and 62, “bow” is defined as a long bow, recurve bow, compound bow, or crossbow. An arrow must have a barbed tip and be attached by a line to the bow. “Bow and arrow” is referenced in 5 AAC 69, 70, 71, 73, and 74, but “bow and arrow” is not defined.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? This would provide consistency in the sport fishing regulations across the state, since a statewide definition of “bow and arrow” could be referenced in all regulations that allow the use of bow and arrow.

This would also avoid confusion with definitions of bow, arrow, or broadhead as used for hunting game animals in 5 AAC 92.085 and .990. For example, crossbows are included in definition for sport fishing regulations but are separately defined from bow in hunting regulations.

BACKGROUND: “Bow” or “bow and arrow” is defined in regulation under 5 AAC 59, 60, 61, and 62 and is legal gear for northern pike in lakes in these areas. In these chapters, a “bow” means a long bow, recurve bow, compound bow, or crossbow and the arrow must have a barbed tip and be attached by a line to the bow. The use of bow and arrow for suckers and whitefish is permitted in the Upper Copper River and Upper Susitna River areas (5 AAC 52) and bow and arrow is described as in 5 AAC 59, 60, 61, and 62.

Under 5 AAC 69, 70, 71, 73, and 74, bow and arrow may be used to take suckers and burbot year-round or northern pike and whitefish (except sheefish) from September 1 through April 30. In these chapters, “bow and arrow” or “bow” is not defined.

DEPARTMENT COMMENTS: The department submitted and **SUPPORTS** this proposal. Currently, “bow and arrow” is not defined for all waters where it is legal sportfishing gear and a statewide definition would ensure consistency in regulation.

COST ANALYSIS: Approval of this proposal is not expected to result in an additional direct cost for a private person to participate in these fisheries.

PROPOSAL 173 – 5 AAC 75.995. Definitions.

PROPOSED BY: Alaska Department of Fish and Game.

WHAT WOULD THE PROPOSAL DO? This would define “ecotourism” in regulation.

WHAT ARE THE CURRENT REGULATIONS? There currently is no definition of “ecotourism” in regulation, but “ecotourism” is referenced in 5 AAC 41.001 and 5 AAC 75.085 (guided sport ecotourism fishing) and regulations specific to two superexclusive guided sport ecotourism Dungeness crab fisheries are provided in 5 AAC 47.090 and 5 AAC 47.091.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? This would reduce confusion amongst the public and staff in determining whether a business was a guided sport ecotourism fishing business, which would then be required to comply with current regulations.

BACKGROUND: The board adopted regulations for guided sport ecotourism requirements at the March 2008 Statewide King and Tanner crab meeting. At this meeting, the board also established a superexclusive guided sport Dungeness crab fishery in George Inlet. At the January 2018 Southeast and Yakutat Shellfish meeting the board adopted regulations establishing a superexclusive guided sport Dungeness crab fishery in Nakwasina Sound.

DEPARTMENT COMMENTS: The department submitted and **SUPPORTS** this proposal with modification. The department recommends replacing “ecotourism” with “guided sport ecotourism fishing” for the term being defined.

COST ANALYSIS: Approval of this proposal is not expected to result in an additional direct cost for a private person to participate in these fisheries.

COMMITTEE OF THE WHOLE–GROUP 3: ALEUTIAN ISLANDS KING AND TANNER CRAB (2 PROPOSALS)

ALEUTIAN ISLANDS KING AND TANNER CRAB (2 PROPOSALS)

PROPOSAL 179 – 5 AAC 34.612. Harvest levels for golden king crab in Registration Area O.

PROPOSED BY: Alaska Department of Fish and Game.

WHAT WOULD THE PROPOSAL DO? Establish new harvest strategy to set annual harvest limits for Aleutian Islands gold king crab (AIG) based on annual stock assessment model results.

WHAT ARE THE CURRENT REGULATIONS? The AIG fisheries were rationalized by the NPFMC prior to the 2005/06 season and the stock is managed as two separate fisheries, east and west of 174° W long, with a TAC set for each fishery. The TAC is further allocated by NMFS as 90% IFQ and 10% CDQ.

Currently, TACs are fixed in regulation at 3.31 million pounds for the eastern Aleutian Islands (EAG) and 2.98 million pounds for the western Aleutian Islands (WAG). The AIG fisheries open by regulation on August 1 and close by regulation on May 1.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? Establishing annual harvest limits based on stock abundance brings the Aleutian Island golden king crab harvest policy in line with state and federal crab best management principles. Abundance based management reduces uncertainty in the TAC setting process, provides for stock conservation, optimizes yield for fishery participants, and allows for transparent decision making.

BACKGROUND: From 1996 to 2017, the AIG fishery was managed under a constant-catch harvest strategy. Under this approach, the TACs were fixed in regulation but the department could reduce regulatory harvest levels based on the best scientific information available, fishery performance measures, reliability of available estimates, uncertainty, and other factors necessary to avoid overfishing and to maintain consistency with sustained yield principles. The department could not increase annual TACs above the regulatory limits, however, the harvest strategy was amended in 2018 allowing the department to increase or decrease the regulatory TACs based on best management practices.

The Aleutian Islands golden king crab stock assessment model has been in development since the mid-2000s. After substantial review, the NPFMC Crab Plan Team and Scientific and Statistical Committee formally recommended and adopted an AIG stock assessment model in June of 2017. Following model adoption, department staff began developing the basis for a new harvest strategy that uses outputs from the stock assessment model. The primary objectives of the new harvest strategy are to ensure for the long-term reproductive viability of stock and maximize economic and social benefits for users over time. The Aleutian Islands golden king crab fleet is relatively small (4-6 vessels) and markets are unique compared to other crab fisheries (mix of traditional cooked and live product forms). As such, the department and industry worked collaboratively throughout development of the proposed harvest strategy to ensure objectives are met.

A total of thirteen harvest policies were evaluated for consideration (Table 179-1). The underlying framework for each policy uses model derived abundance estimates to set minimum biomass levels necessary for a fishery to occur, establishes a range of annual exploitation rates that are responsive to stock condition, and identifies the proportion of legal crab that could be harvested in any given year. For 12 of the 13 evaluated policies, the exploitation rates increase (or decrease) linearly along a ‘ramp’ up to fixed maximum amount in response to increases (or decreases) in annual estimates of mature male crab abundance (Figure 179-1). A single fixed exploitation rate policy was also examined. In addition to adjusting exploitation rates based on mature male abundance, the proposed harvest strategy additionally caps the exploitation rate on legal sized males. Common to other BSAI crab state harvest strategies, the proposed 25% or 30% maximum exploitation rate on legal male abundance provides an additional level of protection against over harvesting legal males in years when legal male abundance is low relative to mature male abundance. Typically, this situation occurs when the population is rebounding from a period of low production (i.e., strong cohort of mature size males exists simultaneously as a senescing cohort of legal sized males).

To compare differences across harvest policies and provide recommendations for board consideration, department and industry stock assessment scientists developed a simulation model that projects crab abundance into the future under each of the harvest policies. This process provides opportunity to identify and contrast tradeoffs between meeting conservation objectives and optimizing yield. A detailed summary of harvest policy scenarios, simulation methodology, and results are presented in the Recommended Harvest Strategy for Aleutian Islands King Crab report submitted to the board in support of this proposal.

Based on EAG simulation results, policies 3, 8, 11, and 13 (15% ramps with 25% or 30% legal cap, 17.5% ramp with a 25% legal cap, and a 15% fixed rate; Table 179-1) maximize the trade-off between meeting conservation objectives and optimizing yield. These policies showed moderate levels of conservation risk overall. Simulations predicted long-term retained catch was similar, ranging between 3.7 – 3.9 million pounds across policies with moderate expected annual variability in catch (~11%) over time. Furthermore, these control rules approximate historical EAD exploitations rates and are consistent with MSA National Standards, FMP objectives, and the board policy on king and Tanner crab resources management. Policy 3 (15% exploitation ramp with a 25% cap on legal males) has the lowest probability of exceeding conservation thresholds. Additionally, industry feedback suggests policy 3 optimizes the tradeoff between catch and catch stability.

In the WAG, policies 3, 4, and 11 (15%, 20%, and 17.5% ramps with a 25% legal cap) provide the best trade-off between conservation objectives, catch, and catch stability. Among the three policies, average projected retained catch is similar, ranging from 2.63 (15% ramp) to 2.72 (20% ramp) million pounds annually. Simulations further suggest expected annual variation in catch across all three policies is similar. Policy 3 has a 58% probability of exceeding the area specific ABC while policies 4 and 11 both have greater than 93% probabilities of exceed the area specific ABC. Policy 3 (15% ramp with 25% legal cap) and policy 11 (17.5% ramp with 25% legal cap) likely best meet management objectives overall with policy 3 having the lowest probability of exceeding conservation thresholds, and policy 11 better optimizing catch and catch stability.

Harvest levels are a Category 2 management measure under the *Fishery Management Plan for Bering Sea/Aleutian Islands King and Tanner Crabs* (FMP; FMP Section 8.2.5 Fishing Seasons).

Category 2 management measures should be consistent with the criteria set out in the FMP and the Magnuson – Stevens Fishery Conservation and Management Act National Standards.

DEPARTMENT COMMENTS: The department **SUPPORTS** adopting harvest polices for setting Aleutian Islands golden king crab TACs consistent with best management practices.

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

Table 179-1.-The proposed thirteen harvest policies evaluated. Each policy contained three components: 1) a threshold for opening and closing the fishery based on mature male abundance (i.e., 25% of MMA_{AVE}), 2) an exploitation rate on mature male abundance, and 3) a maximum allowable exploitation rate on legal size males. Policy 0 has a harvest rate of zero (i.e., no fishing). Policy 13 contains a fixed harvest rate on MMA rather than a decreasing harvest rate when MMA/MMA_{AVE} is less than 100%.

Policy	Time period for MMA_{AVE}	Exploitation rate on MMA	Exploitation rate on MMA	Max exploitation rate on legal abundance
		$MMA/MMA_{AVE} \% < 100$	$MMA/MMA_{AVE} \% \geq 100$	
0	1985-2017	0	0	0
1	1985-2017	$MMA/MMA_{AVE} \times 0.10$	0.1	0.25
2	1985-2017	$MMA/MMA_{AVE} \times 0.125$	0.125	0.25
3	1985-2017	$MMA/MMA_{AVE} \times 0.15$	0.15	0.25
4	1985-2017	$MMA/MMA_{AVE} \times 0.20$	0.2	0.25
5	1985-2017	$MMA/MMA_{AVE} \times 0.30$	0.3	0.25
6	1985-2017	$MMA/MMA_{AVE} \times 0.10$	0.1	0.3
7	1985-2017	$MMA/MMA_{AVE} \times 0.125$	0.125	0.3
8	1985-2017	$MMA/MMA_{AVE} \times 0.15$	0.15	0.3
9	1985-2017	$MMA/MMA_{AVE} \times 0.20$	0.2	0.3
10	1985-2017	$MMA/MMA_{AVE} \times 0.30$	0.3	0.3
11	1985-2017	$MMA/MMA_{AVE} \times 0.175$	0.175	0.25
12	1985-2017	$MMA/MMA_{AVE} \times 0.225$	0.225	0.25
13	1985-2017	EAG: 0.15, WAG: 0.23	EAG: 0.15, WAG: 0.23	none

Exploitation rate on mature male abundance (MMA)

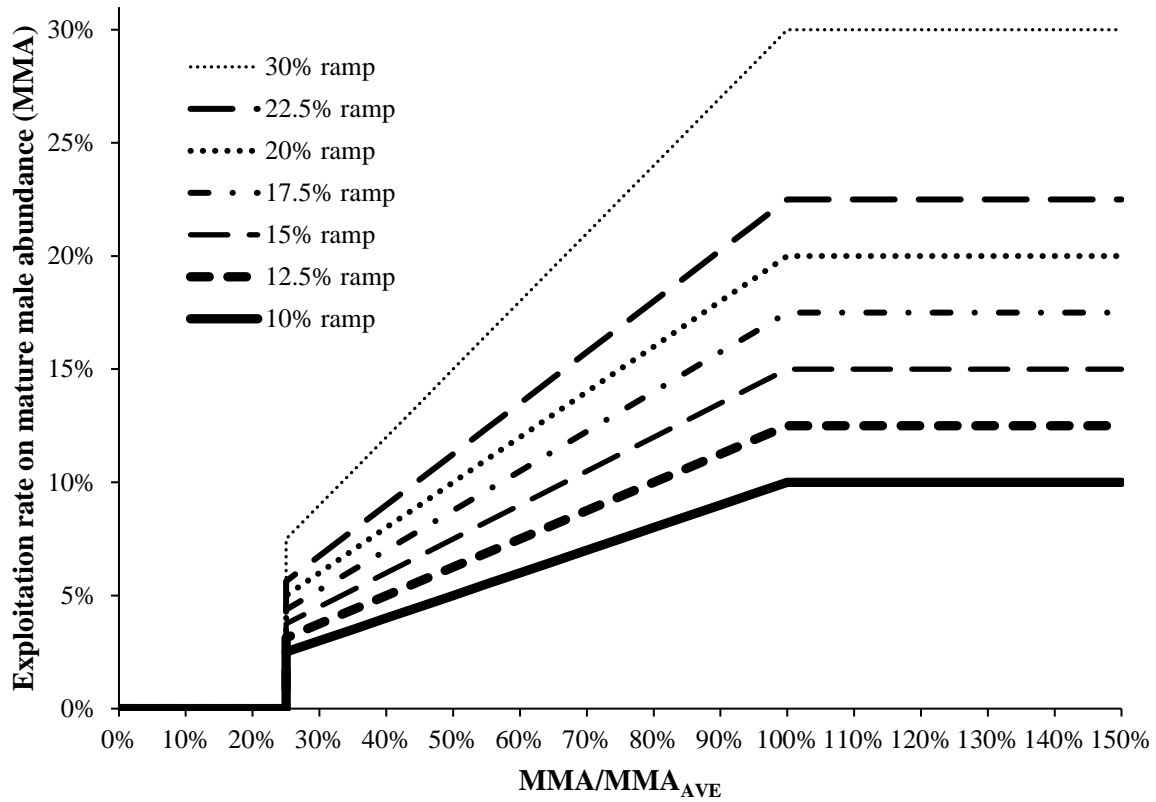


Figure 179-1.—Depiction of proposed sloping control rules (ramp harvest policies). Exploitation rates based on mature male abundance (MMA, estimated by the stock assessment model). For each sloping control rule, the exploitation rate is determined based on the current year MMA relative to MMA_{AVE} (the mean value of MMA for the period 1985–2017).

PROPOSAL 180 – 5 AAC 34.6XX. Registration Area O red king crab management plan, and 5 AAC 35.5XX. Registration Area O *C. bairdi* Tanner crab management plan.

PROPOSED BY: Alaska Board of Fisheries.

WHAT WOULD THE PROPOSAL DO? Establish commercial state-waters (0 to 3 nmi) red king crab and Tanner (*C. bairdi*) crab fisheries using a 3-S (size, sex, and season) management framework. This proposal would additionally restrict participation to vessels 60 feet OAL or less and modify existing boundaries.

WHAT ARE THE CURRENT REGULATIONS?

Aleutian Islands red king crab

In the Aleutian Islands Registration Area O, three districts are established for Western Aleutian Islands red king crab; Dutch Harbor District south of Cape Sarichef between Scotch Cap Light (164° 44.72' W long) and 171° W long, Adak District between 171° and 179° W long, and Petrel District all waters west of 179° W long (Figure 180-1).

Commercial red king crab fisheries in Area O may be opened by emergency order and fishermen must register 21 days before beginning fishing operations.

Fishing Seasons (5 AAC 34.610 (a))

Dutch Harbor District – Not established in regulation.

Adak District – 12:00 noon August 1 through 11:59 pm February 15.

Petrel District – 12:00 noon October 15 through 11:59 pm February 15.

Vessel lengths (5 AAC 34.610 (d))

Dutch Harbor District – Not established in regulation.

Adak District – Vessels limited to 60 feet or less OAL.

Petrel District – Not established in regulation.

Size Limits (5 AAC 34.620 (a))

Only male red king crab 6½ inch carapace width may be taken or possessed in Area O commercial fisheries.

Lawful Gear and Pot Limits (5 AAC 34.625 (a), (d), (e), and (g))

In Area O red king crab may only be taken with king crab pots that have at least one-third of one vertical surface of the pot composed of no less than nine-inch stretched mesh. King crab pots cannot be longlined. In all of Area O, king crab pot gear can only be deployed or retrieved from 8:00 am until 5:59 pm each day.

Dutch Harbor District – Vessels limited to no more than 250 pots.

Adak District – Vessels limited to 10 pots in state waters and 15 pots in the EEZ.

Petrel District – Pot limits not established in regulation.

Harvest Strategy

Dutch Harbor District – Not established in regulation.

Adak District (5 AAC 34.616) – A fishery may open in state-waters of the Adak District if the department determines availability of a harvestable surplus of red king crab. If there are at least 250,000 pounds of red king crab in the Adak District, a fishery may be opened in the entire Adak District.

Petrel District – Not established in regulation.

Aleutian Islands Tanner Crab

In Registration Area J, west of 170° W longitude, two districts are established for Tanner crab. The General Section of the Eastern Aleutian District encompasses state waters from 164° 44.72' W long to 172° W long (excluding waters of the Akutan, Unalaska/Kalekta Bay, or Makushin/Skan Bay Sections) and Western District encompasses all waters west of 172° W long and south of 54° 36' N lat (Figure 180-2).

Commercial Tanner crab fisheries may occur in state-waters of Area J but vessels may not be registered in more than one District simultaneously. Registration deadlines for the Eastern Aleutian is 5:00 pm on December 24 and Western Aleutian Districts is 5:00 pm on October 10.

Fishing Seasons (5 AAC 35.510 (d) and (e))

Eastern Aleutian District (General Section) – 12:00 noon on January 15 through 12:00 noon on March 31. Pots may only be operated from 8:00 am to 5:59 pm, daily.

Western Aleutian District – 12:00 noon on November 1 through 12:00 noon March 31.

Vessel Lengths (5 AAC 35.590(a))

Eastern Aleutian District – Vessels are limited to 58 feet or less OAL if the GHL is 1,000,000 pounds or less.

Western Aleutian District – Not established in regulation.

Size Limits (5 AAC 35.060)

Eastern Aleutian District – Only male Tanner crab 5 ½ inches or great carapace width may be taken or possessed.

Western Aleutian District – Only male Tanner crab 5 ½ inches or great carapace width may be taken or possessed.

Lawful Gear (5 AAC 35.050)

Tanner crab may only be taken with Tanner pots or ring nets. Tanner crab pots that are used to take Tanner crab during a closed king crab season may not have tunnel eye openings greater than 5 inches in height.

Eastern Aleutian District – The total number of pots allowed in the fishery is 300. The total number of pots is divided up between fishery participants that pre-register by the December 24 deadline. Vessels are limited to a maximum of 50 pots each.

Western Aleutian District – Pot limits not established in regulation.

Harvest Strategy

Eastern Aleutian District (General Section) (5 AAC 35.509). A commercial fishery for Tanner crab may open if the harvestable surplus does not exceed 20 percent of the molting mature male (MMA) abundance or 30 percent of the legal male abundance.

Western Aleutian District – Not established in regulation.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? State-waters red king and Tanner crab fisheries in the Aleutian Islands would open without harvest limits. Given the lack of recent catch data and limited survey and stock assessment information, expected catch and effort is unknown.

BACKGROUND:

FEDERAL FISHERY MANAGEMENT

The federal fisheries management plan (FMP) for BSAI crab stocks applies to commercial fisheries for red king crab and Tanner crab except for fisheries managed exclusively by the State of Alaska. These fisheries include Aleutian Islands Tanner crab and Dutch Harbor District red king crab in the Aleutian Islands.

The Western Aleutian Islands red king crab stock, outside of the Dutch Harbor District, is rationalized and subject to the terms of the FMP in waters of the Exclusive Economic Zone (EEZ; 3 to 200 nmi). Therefore, any state-waters fishery established for red king crab in the western Aleutian Islands (west of 171° W longitude) would need to be coordinated with the Aleutian Island red king crab ABC and OFL adopted by the NPFMC annually.

The Western Aleutian Islands red king crab is a Tier 5 stock that is evaluated by the crab plan team triennially. For 2017/18 through 2019/20, the crab plan team lowered the ABC (Table 180-1) to accommodate potential for exploratory fishing or survey work for Western Aleutian Islands red king crab. Although the stock is not considered overfished, it is considered severely depressed as indicated by the 2016 federal Petrel Bank survey. The current ABC limits all red king crab fishing mortality to 31,000 pounds annually. Should the board adopt this proposal the department would need to limit state-waters red king crab catch to coordinate with the federal ABC. Given the ABC limits fishery removals of all sizes and both sexes of red king crab across all fisheries, the department would be required to estimate red king crab bycatch mortality (female and sublegal male crab) from the proposed 3-S management fishery as well as king crab bycatch from all other fishery in order to reduce the directed harvest to accommodate the ABC.

The rationalized red king crab fishery is closed due to low abundance. Should the rationalized fishery reopen concurrent to a state-waters fishery, a management and allocation framework would need to be established to accommodate both fisheries.

Harvest levels are a Category 2 management measure under the *Fishery Management Plan for Bering Sea/Aleutian Islands King and Tanner Crabs* (FMP; FMP Section 8.2.2 Total Allowable Catch and Guideline Harvest Level). Fishery boundaries are a Category 2 management measure under the *Fishery Management Plan for Bering Sea/Aleutian Islands King and Tanner Crabs* (FMP; FMP Section 8.2.4 District, Subdistrict, and Section Boundaries).

FISHERY HISTORY

Aleutian Islands Red King Crab

Domestic fisheries for red king crab in both the Adak and Dutch Harbor Registration Areas began in 1961 and developed rapidly. The Adak Area reached peak harvest of 21 million pounds in 1964/65, whereas the Dutch Harbor Area reached maximum production of 33 million pounds in 1966/67. In the late 1970s, GHL ranges were established using a blend of pot survey results and fishery data. Historic fishery GHLS set in the late 1970s ranged from 8 million to 25 million pounds for Dutch Harbor and from 0.5 million to 3.0 million pounds for Adak. GHLS were often modified inseason based on fishery performance.

Fluctuating annual harvest levels characterized fisheries in the Dutch Harbor and Adak areas; the Dutch Harbor fishery harvest declined from a high of 22.7 million pounds during the 1967/68 season to a low of 0.4 million pounds by the 1982/83 season. Commercial fishing for red king crab in the Dutch Harbor Area has been closed due to low abundance since the 1983/84 season.

The Adak Area remained open to commercial fishing through the 1995/96 season. The last GHL set was 39,000 pounds. The fishery was closed prior to the 1996/97 season due to low abundance. Portions of the Adak Area were reopened during the 1998/99, 2000/01, and 2001/02 seasons to accommodate survey efforts largely focused in the Petrel Bank area.

Aleutian Islands Tanner Crab

Tanner crab in the western Aleutian Islands have largely been taken incidentally to the directed red king crab fishery. Commercial harvest has ranged from a high of 839,000 pounds during the 1981/82 season to less than 8,000 pounds in 1991/92. Historically, most harvest occurred within a few bays near Adak and Atka Islands. The commercial Tanner crab fishery in the western Aleutian Islands has been closed since 1996/97 due to low abundance. No stock assessment surveys are conducted for Tanner crab in the western Aleutian Islands; thus, no population estimates are available. Stock status is currently unknown but believed to be low. Past fisheries were managed using GHLS set from commercial catch data.

SURVEYS

A portion of the eastern Aleutian Islands has been annually surveyed by the department since 2003. Survey results show a severely depressed population with only 0 to 5 red king crab captured in any year. The 2018 survey captured 1 female red king crab.

The western Aleutian Islands are surveyed by NOAA periodically for the federal Aleutian Islands groundfish assessment. The most recent surveys occurred in 2014 and 2016 but results for shellfish are not analyzed nor published.

In 2015, the department conducted an industry-cooperative pot survey in the Adak area for the purposes of assessing red king crab population abundance. A total of 730 pots were pulled (average soak time of 24 hours) during 13 days of fishing around Adak Island (Figure 180-3). A total of 442 red king crab were captured; 23 legal males, 74 sublegal males, 140 juvenile males, and 205 females (Figure 180-4). CPUE (# crab/pot) was low and averaged 0.32 legal males red king crab per pot across all areas of the survey (Table 180-2). Most legal male crab were very large (over 200 mm carapace length) suggesting limited recruitment to legal size. The low survey CPUE, aggregated distribution, and size composition of legal male red king crab near Adak indicates the red king crab stock remains at historically low abundance levels.

During the red king crab survey, a total of 2,458 Tanner crab were captured as bycatch (Figure 180-2). CPUE was low across each size/sex category and catch was highly concentrated with nearly all legal males caught in lower Sitkin Sound. Average CPUE for legal male Tanner crab across all survey areas was 2.16 crab per pot (Table 180-2). Tanner crab CPUE was higher compared to red king crab in the survey and may suggest a small aggregation of Tanner crab in lower Sitkin Sound, however, gear for this survey was designed to select for red king crab and inferences about Tanner crab populations from bycatch data should be made cautiously.

DEPARTMENT COMMENTS: The department **OPPOSES** 3-S management for red king crab in the proposed area and modifying existing boundary lines. As funding allows, the department supports periodic red king crab survey efforts to assess if stock condition has improved over the current low abundance level. The department supports authority to issue commissioners permits over a 3-S Tanner crab fishery. A commissioner permit approach would allow for limited exploratory Tanner crab fishing to occur with the goal of determining if marketable quantities of Tanner crab are available to support a fishery.

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

Table 180-1. Western Aleutian Islands red king crab management performance table (values in pounds) from the 2018 NPFMC crab SAFE.

Western Aleutian Islands RKC Management Performance Table (values in pounds)							
Fishing Year	MSST	Biomass (MMB)	TAC ^a	Retained Catch	Total Catch	OFL	ABC
2012/13	N/A	N/A	Closed	0	624	123,867	74,320
2013/14	N/A	N/A	Closed	0	732	123,867	74,320
2014/15	N/A	N/A	Closed	0	474	123,867	74,320
2015/16	N/A	N/A	Closed	0	2,964	123,867	74,320
2016/17	N/A	N/A	Closed	0	454	123,867	74,320
2017/18	N/A	N/A				123,867	30,967
2018/19	N/A	N/A				123,867	30,967
2019/20	N/A	N/A				123,867	30,967