

**PROPOSAL 268**

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

Allow gear transfers to be authorized by electronic mail, as follows:

5 AAC 39.670 is amended to read:

...

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

...

(2) a vessel operator who is registered for one of the fisheries listed in (b) of this section may

...

(B) transfer gear operation rights and responsibilities to only one other vessel operator who is registered for that fishery and only under the following conditions:

(i) both the operator of the vessel relinquishing gear operation rights and responsibilities (relinquisher) and the vessel operator receiving those rights and responsibilities (recipient) must either sign a gear operation transfer form **or notify the department by electronic mail** giving the effective date and time of the transfer and the number of pots being transferred;

(ii) the gear operation transfer form must also be signed by a department representative before the pot gear transfer is valid and a copy of the gear operation transfer form bearing the original signatures of both the relinquisher and recipient vessel operator must be received by the department within 30 days of the effective date of the department representative signature; for the purposes of this subparagraph, the form must be submitted in person at the department's Dutch Harbor office, or by mail, or by facsimile; **or both the relinquisher and the recipient must notify the department by electronic mail from the electronic mail address provided on the registration form giving the effective date and time of the transfer, and receive a reply electronic mail from the department validating the transfer, within 7 days of the effective date;**

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

(iv) the pot gear transfer must include all [OF THE] pot gear registered to the relinquishing vessel and that vessel's pot gear may not be split among more than one recipient vessel;

**(v) except as specified in (c)(2)(C) of this section, gear operation rights and responsibilities revert to the relinquisher at the regulatory closure of the fishery in which the gear is registered to operate.**

**(C) gear operation rights and responsibilities may be restored to the relinquishing vessel if the relinquisher and recipient notify the department as specified in (c)(2)(B) of this section.**

...

**What is the issue you would like the board to address and why?** During Bering Sea/Aleutian Islands rationalized crab fisheries, fishermen are permitted to transfer gear to one other fishermen within a fishery. The department supports gear transfers because it reduces the frequency of rail dumping which lowers handling and bycatch mortality of crab at the end of the season. Currently, gear transfers are only permitted with original signatures from the relinquisher, recipient, and department representative on a paper form. Requiring original signatures adds to staff workloads and is inconvenient and inefficient for the fleet often resulting in incomplete or non-compliant gear transfers. Allowing the department to authorize gear transfers by email while the vessels are on the fishing grounds would increase both department and fleet flexibility and efficiency.

Additionally, there is no mechanism in regulation for the department to invalidate or reverse a gear transfer. The department interprets that a gear transfer is valid until the regulatory closure date of the fishery but there are instances each season where fishing quota has been reallocated to a vessel that has already completed a gear transfer. This proposal will additionally provide clear guidance for the department on invalidating gear transfers.

**PROPOSED BY:** Alaska Department of Fish and Game (HQ-F19-166)

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