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Statewide King & Tanner Crab Proposals

(33 proposals)

Prince William Sound Area Commercial King Crab (2 proposals)

PROPOSAL 244

5 AAC 34.210. Fishing seasons for Registration Area E.

Allow a commercial king crab fishery in the Northern and Western Districts of Prince William Sound, as follows:

Instruct ADF&G to develop a harvest strategy that incorporates commercial CPUE as main survey method (This how brown crab is managed in SE Alaska), and open waters of the Northern district and Western district, west of W.147.20 under a Commissioner's permit for a directed fishery to help supply commercial CPUE data to the department for the development of a harvest strategy. This fishery would have a major economic impact for fishermen in local PWS communities. At \$16 a pound to processors, it doesn't take much of a sustainably managed harvest to make a big difference for local fishermen trying to diversify their income.

What is the issue you would like the board to address and why? The Golden King Crab fishery in area E has been closed for over thirty years. ADF&G has not conducted a survey to assess stocks since 2006. In thirty years, ADF&G has not developed a harvest strategy and is not currently working on one. Fishermen participating in the PWS Tanner Crab fishery are reporting extremely high levels of King Crab abundance (over 80 crab in some pots), yet are not able to retain any under the current commissioner's permit.

PROPOSED BY: Cordova District Fishermen United, Shellfish Division (EF-F19-058)

PROPOSAL 245

5 AAC 34.210. Fishing seasons for Registration Area E.

Create commissioner's permits for any king crab fishery in Area E closed for five years, as follows:

Any king crab fishery in Area E which has not been prosecuted for a period of 5 years shall be eligible for a commissioner's permit fishery developed in partnership with Area E stakeholders.

What is the issue you would like the board to address and why? Commercial king crab fishing has been closed in Area E for over 30 years. The ADF&G has failed in its obligations to follow its statewide Tanner and King Crab Management Policy. This has resulted in severe economic stress in the fishing community of Cordova and other communities around Prince William Sound. Department Policy mandates managing for the highest socio-economic benefit when such action does not conflict with biological constraints. The Department has never addressed the socio-economic impacts of its management decisions, nor has it demonstrated any legitimate biological constraints which would preclude enacting a fishery.

PROPOSED BY: Robert Smith & Warren Chappell (EF-F19-064)

Cook Inlet Area Tanner Crab (10 proposals)

Subsistence Tanner Crab (3 proposals)

PROPOSAL 246

5 AAC 02.311. Customary and traditional subsistence uses of shellfish stocks and amounts reasonably necessary for subsistence.

Adopt amounts reasonably necessary for subsistence for crab in the Cook Inlet Area, outside the Anchorage-Matsu-Kenai Nonsubsistence Area, as follows:

(a) The Alaska Board of Fisheries (board) finds that the shellfish stocks in that portion of the Cook Inlet Area outside the nonsubsistence area described in 5 AAC 99.015(a) (3) are customarily and traditionally taken or used for subsistence.

(b) The board finds that

(1) 850–1,275 gallons or 6,800–10,200 pounds (round weight) of hardshell clams are reasonably necessary for subsistence uses in that portion of the Cook Inlet Area described in (a) of this section from the easternmost point of Jakolof Bay to Point Pogibshi;

(2) 350–525 gallons or 2,800–4,200 pounds (round weight) of hardshell clams are reasonably necessary for subsistence uses in the remainder of that portion of the Cook Inlet Area described in (a) of this section that is not included in the area described in (1) of this subsection;

(3) 4,500–6,500 pounds of usable weight of shellfish, other than hardshell clams, crab, and shrimp, are reasonably necessary for subsistence uses in that portion of the Cook Inlet Area described in (a) of this section.

(4) The board finds that XXXX crab are reasonably necessary for subsistence uses in the Cook Inlet Area.

What is the issue you would like the board to address and why? This proposal provides an opportunity for the Alaska Board of Fisheries (board) and public to consider adopting an ANS for subsistence findings for crab stocks in the Cook Inlet Area [outside the Anchorage-Matsu-Kenai Nonsubsistence Area described at 5 AAC 99.015(a)(3)]. There are ANS amounts for the other shellfish stocks that the board has found there are customary and traditional subsistence uses, but not for the crab stocks.

The language above suggests individual numbers of crab, all species combined, but the public and the board could also consider separate ANS findings by crab species, as well as pounds edible weight, as has been done for the other resources with a positive customary and traditional use finding. Please see the Community Subsistence Information System for a source of harvest and use data.

PROPOSED BY: Alaska Department of Fish and Game (HQ-F19-137)

PROPOSAL 247

5 AAC 02.325. Subsistence Tanner crab fishery.

Adjust the opening date of the subsistence Tanner crab fishery east of Kachemak Bay in the Cook Inlet Area, as follows:

5 AAC 02.325 is amended to read:

(a) In that portion of the Cook Inlet Area outside the nonsubsistence area described in 5 AAC 99.015(a)(3), in the subsistence taking of Tanner crab,

(1) male Tanner crab may be taken only from **September 1** [JULY 15] through March 15, [EXCEPT THAT

(A) IN KACHEMAK BAY, EAST OF A LINE FROM POINT POGIBSHI TO ANCHOR POINT, MALE TANNER CRAB MAY BE TAKEN ONLY FROM SEPTEMBER 1 THROUGH DECEMBER 31 AND FROM JANUARY 15 OR THE BEGINNING OF THE COMMERCIAL TANNER CRAB SEASON, WHICHEVER IS LATER, THROUGH MARCH 15; AND

(B) WHEN THE SUBSISTENCE TANNER CRAB FISHERY IS CLOSED IN THE KAMISHAK OR BARREN ISLANDS DISTRICTS, THE SUBSISTENCE TANNER CRAB FISHERY IS ALSO CLOSED IN THE EASTERN, OUTER, AND CENTRAL DISTRICTS AS SPECIFIED IN 5 AAC 35.410(C);]

(3) the daily bag and possession limit is five male Tanner crab[;] **and the seasonal limit is forty male Tanner crab;**

(b) Notwithstanding the provisions of 5 AAC 02.307 and (a) of this section, if the provisions of 5 AAC 35.408(~~e~~[d]) apply, then male Tanner crab may be taken only from October 1 through the last day of February; bag and possession limit of three male Tanner crab; **seasonal bag limit of twenty male Tanner crab;** no more than one pot per person with a maximum of one pot per vessel may be used to take Tanner crab.

What is the issue you would like the board to address and why? In 2017, the board changed the opening date for the subsistence Tanner crab fishery in the Cook Inlet Area to September 1 in Kachemak Bay, east of a line from Point Pogibshi to Anchor Point. However, the season opening date was not changed in the other areas in the Cook Inlet Area. This proposal would align the seasons for the entire management area and eliminate the closure period of January 1-15 in Kachemak Bay.

The Kamishak Bay trawl survey has not been conducted since 2012 due to budget constraints and extremely low abundance of legal Tanner crab so abundance estimates cannot be generated. Because noncommercial (sport and subsistence) fishing effort is so low in the remainder of the Cook Inlet Area outside of Kachemak Bay, managing the noncommercial fisheries in the entire Cook Inlet Area based on the Kachemak Bay survey would provide consistency between management approaches and simplify regulations. The reference to 5 AAC 35.408 in 5 AAC 02.325(b), Registration Area H Tanner crab harvest strategy, was amended to (e) due to proposed changes to that regulation for this same board cycle.

In 2017, the board adopted a department proposal to allow a noncommercial fishery with restricted season, gear, and bag limits in the absence of trawl survey data or when abundance estimates were

below the thresholds required for the primary noncommercial fishery; those restrictions were in place for the 2017-18 and 2018-19 seasons. The preliminary harvest from the 2017-18 noncommercial fishery was 8,645 Tanner crab, which is higher than the department had anticipated. Approximately 90% of the participants harvested less than 20 crabs for the season. The remaining 10% of the participants harvested 49% of the total crab harvested. To stabilize the Tanner crab harvest in these fisheries annual seasonal limit would effectively restrict the harvest while providing an equal harvest opportunity among users.

The department is submitting a corresponding proposal to align season dates and implement the same seasonal limits for the Tanner crab sport fishery.

PROPOSED BY: Alaska Department of Fish and Game (HQ-F19-164)

PROPOSAL 248

5 AAC 58.022. Waters; season; bag, possession, annual and size limits; and special provisions for Cook Inlet- Resurrection Bay Saltwater Area.

Establish an annual limit for Tanner crab sport fisheries, as follows:

5 AAC 58.022 is amended to read:

(a)(11) Tanner crab may only be taken as follows:

(A) only from **September 1** [JULY 15]

March 15, except as specified under 5 AAC 35.410(c); bag and possession limit of five male crab; **annual limit of 40**; minimum size is four and one-half inches across the widest part of the shell, including spines; and shellfish harvest recording form is required as specified in 5 AAC 58.026;

(B) notwithstanding the provisions of (a)(11)(A) of this section, if the provisions of 5 AAC 35.408(d) apply then male Tanner crab may be taken only from October 1 through the last day of February; bag and possession limit of three male crab; **annual limit of 20**; minimum size is four and one-half inches across the widest part of the shell, including spines; no more than one pot per person with a maximum of one pot per vessel; a shellfish harvest recording form is required as specified in 5 AAC 58.026

What is the issue you would like the board to address and why? In 2017, the board adopted a department proposal to allow a reduced season sport fishery in the absence of trawl survey data or when abundance estimates were below the threshold required for the regular sport fishery season. This new fishery was structured to have a shorter season, reduced gear and limits, and was assumed to result in a sustainable harvest level. The preliminary harvest from the 2017-2018 sport fishery was 8,263 Tanner crab, which is sustainable but higher than the department had anticipated. Approximately 90% of the participants harvested fewer than 20 crabs for the season. The remaining 10% of the participants harvested 49% of the total crab harvested. To stabilize the Tanner crab harvest in this fishery, an annual limit would effectively restrict the harvest to a modest level while providing an equal harvest opportunity among users.

Sport Tanner Crab (6 proposals)

PROPOSAL 249

5 AAC 58.022. Waters; season; bag, possession, annual and size limits; and special provisions for Cook Inlet- Resurrection Bay Saltwater Area.

Align tanner crab sport fishery season dates for all areas, as follows:

5 AAC 58.022. is amended to read:

(a)(11) Tanner crab: may be taken as follows;

(A) only from **September 1** [JULY 15]

March 15, except as specified under 5 AAC 35.410(c); bag and possession limit of five male crab; minimum size is four and one-half inches across the widest part of the shell, including spines; a shellfish harvest recording form is required as specified in 5 AAC 58.026;

(b)(1)(B) [TANNER CRAB: IN KACHEMAK BAY, EAST OF A LINE FROM POINT POGIBSHI TO ANCHOR POINT, THE OPEN SEASON IS FROM SEPTEMBER 1- DECEMBER 31 AND FROM JANUARY 15 OR THE BEGINNING OF THE COMMERCIAL TANNER CRAB SEASON, WHICHEVER IS LATER, THROUGH MARCH 15]

(b)(2)(D) [TANNER CRAB: IN KACHEMAK BAY, EAST OF A LINE FROM POINT POGIBSHI TO ANCHOR POINT, THE OPEN SEASON IS FROM SEPTEMBER 1- DECEMBER 31 AND FROM JANUARY 15 OR THE BEGINNING OF THE COMMERCIAL TANNER CRAB SEASON, WHICHEVER IS LATER, THROUGH MARCH 15]

What is the issue you would like the board to address and why? Currently, there are two different sport fishery seasons for Cook Inlet –Resurrection Bay Area Tanner crab. A reduced season sport fishery opens from October 1 through the end of February in all areas in the absence of trawl survey data or when Tanner crab abundance is below thresholds. The regular sport fishery season has differing opening dates between Kachemak Bay (September 1) and all other areas (July 15). The regular sport fishery is managed with the Registration Area H Tanner crab harvest strategy (5 AAC 35.408). This strategy uses abundance estimates from the Kachemak and Kamishak bays trawl surveys. The Kachemak Bay trawl survey is only used to manage the Kachemak Bay fisheries and the Kamishak Bay trawl surveys is used to manage all other areas. The Kamishak Bay survey has been discontinued since 2013. This proposal would align the season start date of the regular sport fishery for all areas similar to the reduced sport fishery.

PROPOSAL 250

5 AAC 58.026. Shellfish harvest recording form required.

Include an appeal process for failure to report for the Tanner crab sport fishery harvest recording form, as follows:

5 AAC 58.026 is amended to read:

(a) Before harvesting shellfish with pots, a person must obtain a sport fishing shellfish harvest recording form, described in 5 AAC 75.016 and provided by the department. Upon taking shellfish with pots, and before concealing the shellfish from plain view or removing the shellfish from the fishing site, the person must enter, in ink, the **harvest** and catch information requested in the form. A person who fails to comply with the requirements of this subsection or 5 AAC 75.016, **including any requirement to return harvest and catch information to the department**, may be ineligible to **obtain a shellfish harvest recording form** [PARTICIPATE] during the following **season** [CALENDAR YEAR] in the fishery for which the form was required, **unless the permit applicant demonstrates to the department that failure to report was due to unavoidable circumstances.**

What is the issue you would like the board to address and why? Prior to 2017, the noncommercial Tanner crab fisheries in Cook Inlet – Resurrection Bay included subsistence, personal use and sport fisheries. These noncommercial fisheries required a permit for participation and all fisheries were included in one permit. In 2017, the Board of Fisheries (board) eliminated the personal use Tanner crab fishery in Cook Inlet – Resurrection Bay because it was redundant to the sport fishery. As a result, a separate permit was needed for the sport fishery; it was only offered online with reporting only available online. 5 AAC 58.026 requires a shellfish harvest recording form prior to harvesting shellfish with pots in the Cook Inlet – Resurrection Bay Area. In addition, it specifies that a person who fails to comply with the requirements may be ineligible to participate in the next calendar year’s fishery. Online permits and reporting provide the department a more functional process to identify persons who have not reported their harvest and deny permits as provided in regulation for persons who do not report. Sport fishing regulation is needed to outline an appeal process for permittees that fail to comply with permit requirements, similar to statewide personal use and subsistence permit regulations.

PROPOSED BY: Alaska Department of Fish and Game (HQ-F19-156)

PROPOSAL 251

5 AAC 58.035. Methods, means, and general provisions — Shellfish.

Require two escape mechanisms per pot in the tanner crab sport fishery in the Cook Inlet and North Gulf coast areas, as follows:

All pots used in the Cook Inlet and North Coast tanner crab sport fishery must have 2 not 1 openings at least 18” long on opposite sides of the pot. Laced with biodegradable untreated twine no larger than #30 thread.

What is the issue you would like the board to address and why? Biodegradable escape mechanism in sport Tanner Crab pots for Cook Inlet and North Gulf Coast areas. There are many different configurations of pots being used. Some of the pots being used are not very heavy. In series of large tides with wind and big marking buoys or when a boat runs over the buoys and drags the pot and cuts buoy line. We end up with ghost pots. These light weight pots under these circumstances can lay over on the biodegradable opening possibly trapping crab indefinitely. The additional escape opening will benefit this fishery.

PROPOSED BY: Dan Anderson

(EF-F19-006)

PROPOSAL 252

5 AAC 58.022. Waters; seasons; bag, possession, annual, and size limits; and special provisions for Cook Inlet — Resurrection Bay Saltwater Area.

Establish a seasonal limit for Tanner crab in Kachemak Bay, as follows:

Establish a reasonable seasonal limit for tanner crab, in the neighborhood of 36-48.

What is the issue you would like the board to address and why? Over exploitation of tanner crab in Kachemak Bay

PROPOSED BY: Dave Lyon

(EF-F19-127)

PROPOSAL 253

5 AAC 58.022. Waters; seasons; bag, possession, annual, and size limits; and special provisions for Cook Inlet Resurrection Bay Saltwater Area; and 5 AAC 58.035. Methods, means, and general provisions – Shellfish.

Allow crab rings in the Cook Inlet Area Tanner crab sport fishery, as follows:

5 AAC 58.022. Waters; seasons; bag, possession, annual, and size limits; and special provisions for Cook Inlet - Resurrection Bay Saltwater Area

(a) Except as provided in (b) and (c) of this section, and unless otherwise specified in this chapter, the following are the seasons, bag, possession, annual, and size limits, and special provisions for finfish and shellfish in the Cook Inlet - Resurrection Bay Saltwater Area:

...

(11) Tanner crab: may be taken as follows:

(A) only from July 15 - March 15, except as specified under 5 AAC 35.410(c); bag and possession limit of five male crab; minimum size is four and one-half inches across the widest part of the shell, including spines; a shellfish harvest recording form is required as specified in 5 AAC 58.026;

(B) notwithstanding the provisions of (a)(11)(A) of this section, if the provisions of 5 AAC 35.408(d) apply then male Tanner crab may be taken only from October 1 through the last day of February; bag and possession limit of three male crab; minimum size is four and one-half inches across the widest part of the shell, including spines; no more than one pot **or crab ring** per person with a maximum of one pot **or crab ring** per vessel; a shellfish harvest recording form is required as specified in 5 AAC 58.026;

5 AAC 58.035. Methods, means, and general provisions - Shellfish

(a) Unless otherwise specified in 5 AAC 58.022 or by an emergency order issued under AS 16.05.060, the provisions of this section apply to shellfish sport fishing in the Cook Inlet - Resurrection Bay Saltwater Area.

...

(d) Notwithstanding 5 AAC 75.035(3), no more than two pots **or crab rings or combination thereof** per person, regardless of type, with a maximum of two **pots or crab rings or combination thereof** per vessel, regardless of type, may be used to take shellfish at any time, except that in the waters between the longitude of Gore Point (150_ 57.85' W. long.) and the longitude of Cape Fairfield (148_ 50.25' W. long.), no more than two pots **or crab rings or combination thereof** per person with a maximum of six pots **or crab rings or combination thereof** per vessel may be used to take Tanner crab.

What is the issue you would like the board to address and why? The new Cook Inlet Tanner Crab Sport fishery has regulations wording that inadvertently left out the use of crab rings as legal gear. The regulations establishing this fishery were written defining the limit of pots per person, and pots per vessel with no reference to the allowance of crab rings which are also typical legal gear in all sport, personal use, and subsistence crab fisheries around the state. This proposal addresses this ‘technical’ omission which has currently prevented the use of crab rings in this fishery.

The smaller sport fishing boats and even kayakers are not equipped with pot pullers for handling tanner size crab pots and therefore have been excluded from participating in this winter fishery. The statewide sport crab fishery regulations allow pots and crab rings, or a combination of both when a fishery allows more than one piece of gear for harvest. Correcting the wording to include the use of a crab ring(s) along with crab pots will standardize the regulations to conform with the traditional gear and allow more participants to engage in this limited winter fishery. Even kayakers are capable of deploying and retrieving a crab ring from their vessel.

PROPOSED BY: Gary Barnes (HQ-F19-008)

PROPOSAL 254

5 AAC 02.307. Lawful subsistence fishing gear for the taking of Tanner crab; and 5 AAC 02.325. Subsistence Tanner crab fishery.

Allow crab rings in the Cook Inlet Area Tanner crab subsistence fishery, as follows:

5 AAC 02.307. Lawful subsistence fishing gear for the taking of Tanner crab
In that portion of the Cook Inlet Area outside the nonsubsistence area described in 5 AAC 99.015(a)(3),

(1) Tanner crab may be taken only with pots, ring nets, dip nets, diving gear, hooked or hookless hand lines, and by hand;

(2)...

(3) no more than two pots **or crab rings or combination thereof** per person with a maximum of two pots **or crab rings or combination thereof** per vessel may be used to take Tanner crab, except that in the waters of the Outer and Eastern Districts between the longitude of Gore Point (150_ 57.85' W. long.) and the longitude of Cape Fairfield (148_ 50.25' W. long.), no more than two pots **or crab rings or combination thereof** per person with a maximum of six pots **or crab rings or combination thereof** per vessel may be used to take Tanner crab.

5 AAC 02.325. Subsistence Tanner crab fishery

...

(b) Notwithstanding the provisions of 5 AAC 02.307 and (a) of this section, if the provisions of 5 AAC 35.408(d) apply, then male Tanner crab may be taken only from October 1 through the last day of February; bag and possession limit of three male Tanner crab; no more than one pot or crab ring per person with a maximum of one pot or crab ring per vessel may be used to take Tanner crab.

What is the issue you would like the board to address and why? The new Cook Inlet Tanner Crab subsistence fishery has regulations wording that inadvertently left out the use of crab rings as legal gear. The regulations establishing this fishery were written defining the limit of pots per person, and pots per vessel with no reference to the allowance of crab rings which are also typical legal gear in all sport, personal use, and subsistence crab fisheries around the state. This proposal addresses this ‘technical’ omission which has currently prevented the use of crab rings in this fishery. The smaller boats often are not equipped with pot pullers to handle tanner size crab pots and therefore have been excluded from participating in this winter fishery. The statewide subsistence crab fishery regulations allow pots or crab rings, or a combination of both when a fishery allows more than one piece of gear for harvest. Correcting the wording to include the use of a crab ring(s) along with crab pots will standardize the regulations to conform with the traditional gear and allow more participants in this limited winter fishery.

PROPOSED BY: Gary Barnes

(HQ-F19-009)

Commercial Tanner Crab (1 proposal)

PROPOSAL 255

5 AAC 35.408. Registration Area H Tanner crab harvest strategy; and 5 AAC 35.410. Fishing Seasons for Registration Area H.

Amend commercial and noncommercial thresholds, and management based on thresholds, for Cook Inlet Area Tanner crab fisheries, as follows:

5 AAC 35.408. is amended to read:

(a) The provisions of this section establish[ES THE] abundance thresholds for the Tanner crab fisheries in the Southern, Kamishak, and Barren Island Districts of Cook Inlet.

(b) In the Southern District, the minimum stock threshold for the commercial fishery is **1,000,000** [500,000] legal male Tanner crab. **If the commercial fishery has been closed for three or more consecutive years, then the estimated abundance of legal male Tanner crab from the Kachemak Bay trawl survey must be greater than or equal to 1,000,000 crab for two or more years before the commercial fishery may open.** The commercial Tanner crab fishery will open only under the following conditions:

(1) if the estimated abundance level of legal male Tanner crab is [AT LEAST 1,000,000] **2,000,000** crab **or greater**, the commercial fishery will open to harvest Tanner crab at a rate, in combination with the noncommercial fisheries, not to exceed 25 percent of the estimated abundance level of legal male Tanner crab;

(2) if the estimated abundance level of legal male Tanner crab is at least [500,000] **1,000,000**, but less than [1,000,000] **2,000,000** crab, the commercial Tanner crab fishery

will open to harvest Tanner crab at a rate, in combination with the noncommercial fisheries, not to exceed 15 percent of the estimated abundance level of legal male Tanner crab;

(3) the commercial fishery may not open if

(A) the estimated abundance level of legal male Tanner crab is below **1,000,000** [500,000] crab;

(B) attainment of the guideline harvest level would cause legal male Tanner crab abundance to fall below **1,000,000** [500,000] crab; or

(C) the estimated harvest capacity, calculated by the number of registered vessels multiplied by the legal pot limit, and the estimated catch rate exceeds the guideline harvest level during a commercial fishery of a minimum 12-hour duration;

(c) In the Kamishak and Barren Islands Districts, combined, the minimum stock threshold for the commercial fishery is **4,000,000**[700,000] legal male Tanner crab. **If the commercial fishery has been closed for three or more consecutive years, then the estimated abundance of legal male Tanner crab from the Kamishak Bay trawl survey must be greater than or equal to 1,000,000 crab for two or more years before the commercial fishery may reopen.** The commercial fishery will open only under the following conditions:

(1) if the estimated abundance level of legal male Tanner crab is **8,000,000**[1,400,000] crab or greater, Tanner crab may be harvested at a rate, in combination with the noncommercial fisheries, not to exceed 25 percent of the estimated abundance level of legal male Tanner crab;

(2) if the abundance level of legal male Tanner crab is **at least 4,000,000** [less than 1,400,000], but **less than 8,000,000** [GREATER THAN 700,000] crab, Tanner crab may be harvested at a rate, in combination with the noncommercial fisheries, not to exceed 15 percent of the estimated abundance level of legal male Tanner crab;

(3) the commercial fishery may not open if

(A) the estimated abundance level of legal male Tanner crab is below **4,000,000**[700,000] crab;

(B) the attainment of the guideline harvest level would cause the abundance of legal male Tanner crab to fall below **4,000,000** [700,000] crab; or

(C) the estimated harvest capacity, calculated as the number of registered vessels multiplied by the legal pot limit and estimated catch rates, exceeds the guideline harvest level for a fishery of a minimum 24-hour duration.

(d) The noncommercial Tanner crab fisheries **in the Cook Inlet Area will be managed as provided in 5 AAC 58.022(11)(A) and 5 AAC 02.325(a)** [GUIDELINE HARVEST LEVEL MAY NOT EXCEED 10 PERCENT OF] when the **most** recent **consecutive** three-year average of legal male stock abundance **estimated from the Kachemak Bay trawl survey is greater than or equal to 200,000 crab and the annual estimate for the most recent year is at least 100,000 crab. The harvest rate is not expected to exceed approximately 10% of legal male Tanner crab abundance under these regulations.** [WHEN LEGAL MALE STOCK ABUNDANCE IS BELOW THE MINIMUM STOCK THRESHOLD FOR A COMMERCIAL FISHERY. THE NONCOMMERCIAL TANNER CRAB FISHERIES WILL BE MANAGED AS PROVIDED IN 5 AAC 58.022(11)(B) AND 5 AAC 02.325(B) IN THE ABSENCE OF A TRAWL SURVEY OR IF

(1) IN THAT PORTION OF THE SOUTHERN DISTRICT EAST OF A LINE FROM POINT POGIBSHI TO ANCHOR POINT, IF THE

(A) RECENT THREE-YEAR AVERAGE STOCK ABUNDANCE OF LEGAL MALE TANNER CRAB ESTIMATED FROM THE KACHEMAK BAY TRAWL SURVEY IS LESS THAN 100,000 TANNER CRAB; OR

(B) ESTIMATED STOCK ABUNDANCE LEVEL OF LEGAL MALE TANNER CRAB IS LESS THAN 50,000 TANNER CRAB IN ANY GIVEN YEAR;]

[(2) IN THE SOUTHERN DISTRICT WEST OF A LINE FROM POINT POGIBSHI TO ANCHOR POINT AND THE KAMISHAK AND BARREN ISLANDS DISTRICTS, IF THE

(A) RECENT THREE-YEAR AVERAGE STOCK ABUNDANCE OF LEGAL MALE TANNER CRAB ESTIMATED FROM THE KAMISHAK BAY TRAWL SURVEY IS LESS THAN 50,000 TANNER CRAB; OR

(B) ESTIMATED STOCK ABUNDANCE LEVEL OF LEGAL MALE TANNER CRAB FROM THE KAMISHAK BAY TRAWL SURVEY IS LESS THAN 40,000 IN ANY GIVEN YEAR.]

(e) The noncommercial Tanner crab fisheries in the Cook Inlet Area will be managed as provided in 5 AAC 58.022(11)(B) and 5 AAC 02.325(b) in the absence of a trawl survey or if the most recent consecutive three-year average of legal male stock abundance estimated from the Kachemak Bay trawl survey is less than 200,000 crab or the annual estimate for the most recent year is below 100,000 crab. The harvest rate is not expected to exceed approximately 10% of legal male Tanner crab abundance under these regulations.

5 AAC 35.410. is amended to read:

(c) Notwithstanding (b) of this section, the commercial harvest of Tanner crab in the Outer, Eastern, and Central Districts is closed until the Tanner crab stocks have recovered and a harvest strategy **for those districts** is developed by the department and adopted in a regulation by the Board of Fisheries. [WHEN THE NONCOMMERCIAL FISHERIES IN THE KAMISHAK OR BARREN ISLAND DISTRICTS ARE CLOSED TO THE TAKING OF TANNER CRAB, THE NONCOMMERCIAL FISHERIES IN THE EASTERN, OUTER, AND CENTRAL DISTRICTS SHALL ALSO REMAIN CLOSED.]

What is the issue you would like the board to address and why? In 2017, the board reduced the legal size for Tanner crab in the Cook Inlet Area from 5.5 inches to 4.5 inches. The board also adopted regulations for reductions in season, gear, and bag limits for the noncommercial (sport and subsistence) fisheries in the absence of surveys or if noncommercial stock thresholds were not met. However, the abundance thresholds for commercial and noncommercial fisheries were not updated to reflect the new reduced legal size. These proposed thresholds were recalculated from historical abundances using the new legal size of Tanner crab. Currently in regulation there are different abundance thresholds associated with the different districts; the thresholds are estimates derived from the Kachemak Bay and Kamishak Bay trawl surveys.

In addition, for the noncommercial fisheries, the department proposes grouping all regulatory provisions together for the Cook Inlet Area, and not separating them by district; they would all be tied to the Kachemak Bay trawl survey results. There is low fishing effort outside of Kachemak Bay, and management of the entire Cook Inlet Area would not pose an unacceptable risk of overharvest to areas outside of Kachemak Bay. Regulatory provisions that tie Southern, Kamishak,

and Barren Islands districts to results of the Kamishak Bay trawl survey are not needed; this survey is no longer being conducted because of very low levels of legal crab encountered in 2012, and funding constraints.

The new proposed Kamishak Bay commercial thresholds are much higher than currently in regulation. These elevated thresholds were derived from department survey information that showed a high ratio of pre-recruit crab (legal with the new size) to recruit-sized crab; these high levels produced high thresholds.

Changes to the harvest strategy and associated regulations are needed to reflect the changes in management and assessment. These changes will provide consistency, clarify conditions for differential management, and simplify regulations, thereby reducing confusion for the public and aiding enforcement.

PROPOSED BY: Alaska Department of Fish and Game (HQ-F19-165)

Kodiak Area (3 proposals)

Subsistence King Crab (1 proposal)

PROPOSAL 256

5 AAC 02.466. Customary and traditional subsistence uses of shellfish stocks and amounts reasonably necessary for subsistence.

Adopt amounts reasonably necessary for subsistence for king crab in the Kodiak Area, as follows:
(a) The Alaska Board of Fisheries (board) finds that king crab, Tanner crab, Dungeness crab, shrimp, and miscellaneous shellfish are customarily and traditionally taken or used for subsistence in the Kodiak Area.

(b) The board finds that

- (1) 3,200–8,100 Tanner crab are reasonably necessary for subsistence uses in the Kodiak Area;
- (2) 1,200–2,800 Dungeness crab are reasonably necessary for subsistence uses in the Kodiak Area;
- (3) 60,500–103,000 pounds of usable weight of miscellaneous shellfish are reasonably necessary for subsistence uses in the Kodiak Area;
- (4) 1,000–8,500 pounds of usable weight of shrimp are reasonably necessary for subsistence uses in the Kodiak Area; and
- (5) 22,000–68,000 pounds of usable weight of Dungeness crab and miscellaneous shellfish are reasonably necessary for subsistence uses on the south side of the Alaska Peninsula between Kilokak Rocks (156° 19' W. long.) and Cape Kumlik (157° 27' W. long.) and in the area described in 5 AAC 02.500, combined

(6) The board finds that XXXX king crab are reasonably necessary for subsistence uses in the Kodiak Area.

What is the issue you would like the board to address and why? This proposal provides an opportunity for the Alaska Board of Fisheries (board) and public to consider adopting an ANS for subsistence findings for king crab stocks in the Kodiak Area. There are ANS amounts for the other

shellfish stocks that the board has found there are customary and traditional subsistence uses, but not for the king crab stock.

The language above suggests individual numbers of king crab, but the public and the board could also consider pounds edible weight as has been done for the other resources with a positive customary and traditional use finding. Please see the Community Subsistence Information System for a source of harvest and use data.

PROPOSED BY: Alaska Department of Fish and Game (HQ-F19-138)

Commercial Tanner Crab (2 proposals)

PROPOSAL 257

5 AAC 35.510. Fishing seasons for Registration Area J.

Open the Kodiak District Tanner crab fishery December 15, as follows:

Change the opening date to December 15.

What is the issue you would like the board to address and why? I would like to change the opening date for Kodiak tanner crab to an earlier date than January 15 because it's during Pacific cod A Season which opens January 1st for pot and longline fisheries. By the time crab season is over the cod season is almost over also due to 80% reduction in cod quotas since 2018. Boats that participate in both fisheries have less opportunity to fish cod.

PROPOSED BY: Dia Kuzmin (EF-F19-065)

PROPOSAL 258

5 AAC 35.527. Tanner crab pot storage requirements for Registration Area J.

Align pot storage requirements and allow storage of pots in waters more than 25 fathoms for seven days following season closure for Tanner crab in the Kodiak District, as follows:

Allow storage of non-fishing gear on the grounds seven days after section closures and align storage requirement for different pot types (rectangular and cone/pyramid).

5 AAC 35.527. Tanner crab pot storage requirements for Registration Area J. The Tanner crab pot storage requirements in 5 AAC 35.052(a)(2) apply, except in the

(5) Kodiak District, **rectangular pots with all bait and bait containers removed and all doors secured fully open, and cone** or pyramid pots with all bait and bait containers removed and all doors not secured closed may be stored in **waters more than 25 fathoms for seven days following the season closure for Tanner crab in any section of the Kodiak District;** [THE WATER ONLY FROM 30 DAYS BEFORE THE SCHEDULED OPENING DATE OF THE COMMERCIAL TANNER CRAB SEASON UNTIL 30 DAYS AFTER THE CLOSURE OF THAT SEASON;]

What is the issue you would like the board to address and why? Current regulations require getting crab to a processor within 24 hours and 72 hours for unbaited gear to be left on the grounds in deeper water where most of the fishing occurs after a closure. At the end of a short season nearly all the crab caught will arrive at the processors in the 24 hour delivery period. Boats are unloaded in the order of coming in. It may take several days before every one is unloaded. Some boat's crab may not be offloaded before most or all of the 72 hour period is over. Because of capacity, stability, weather, icing, not all the pots can be brought in when delivering the crab. Increasing the allowed storage time for unbaited gear from 72 hours to seven days would allow a more reasonable time to go back and get remaining gear. Storing gear in less than 25 fathoms may not be feasible because of the tight time lines fishermen are working under at closures.

PROPOSED BY: Oliver Holm (HQ-F19-027)

Alaska Peninsula Area Commercial King Crab (1 proposal)

PROPOSAL 259

5 AAC 34.005. Registration Areas Established; 5 AAC 34.XXX. New sections; 5 AAC 34.500. Description of Registration Area M; 5 AAC 34.505. Description of Registration Area M Districts; 5 AAC 34.506. Area M Registration; and 5 AAC 34.527. King crab pot storage requirements for Registration Area M.

Create a Chignik Registration Area commercial king crab fishery and provide for registration, seasons, size limits, lawful gear, pot storage requirements, inspection, and vessel length restrictions, as follows:

Create a separate Chignik Registration Area for the commercial king crab fishery with the same Area boundaries as those used in the commercial salmon fishery.

5 AAC 34.005. Registration Areas Established. (a) The following are king crab registration areas and their code letters:

L – Chignik Area (5 AAC 34.465)

Article 10. Registration Area L (Chignik). [AREA M (ALASKA PENINSULA)]

5 AAC 34.XXX. Description of Registration Area L. Registration Area L includes all waters of Alaska on the south side of the Alaska Peninsula bounded by a line extending 135° southeast from a point near Kilokak Rocks at 57° 10.34' N. lat., 156° 20.22' W. long., (the longitude of the southern entrance to Imuya Bay), and a line extending 135° southeast from Kupreanof Point at 55° 33.98' N. lat., 159° 35.88' W. long.

5 AAC 34.XXX. Description of Registration Area L districts. (a) The Eastern District: All waters of Registration Area L bounded by a line extending 135° southeast from a point near Kilokak Rocks at 57° 10.34' N. lat., 156° 20.22' W. long., (the longitude of the southern entrance to Imuya Bay), and a line extending 135° southeast from Tuliumni Point on Castle Cape at 56° 14.45' N. lat., 158° 6.93' W. long., including the Semidi Islands.

(b) The Western District: All waters of Registration Area L west of a line from Tulumni Point on Castle Cape at 56° 14.45' N. lat., 158° 6.93' W. long., to a line extending 135° southeast from Kupreanof Point at 55° 33.98' N. lat., 159° 35.88' W. long.

5 AAC 34.XXX. Area L registration. Registration Area L is a superexclusive registration area.

5 AAC 34.XXX. Fishing seasons for Registration Area L. (a) The commissioner may open and close, by emergency order, a season for red and blue king crab beginning 8:00 a.m. September 25.

(b) Male golden king crab may be taken from January 1 through December 31 only under conditions of a permit issued by the commissioner.

(c) Pots may be operated to take king crab only from 8:00 a.m. to 7:59 p.m., with a soak time of 12 hours from 8:00 p.m. to 7:59 a.m.

5 AAC 34.XXX. Size limits for Registration Area L. (a) Only male king crab six and one-half inches or greater in width of shell may be taken or possessed.

5 AAC 34.XXX. Lawful gear for Registration Area L. (a) King crab may be taken only with king crab pots. King crab taken by other means must be returned to the water without further harm.

(b) Each king crab pot must have at least one-third of one vertical surface of the pot composed of not less than nine-inch stretched mesh webbing.

(c) During the commercial king crab season in Registration Area L, an aggregate of no more than 30 pots may be operated from a vessel registered to fish for king crab, except that if the guideline harvest level is over 2,000,000 pounds, no more than 75 pots may be operated.

(d) A vessel engaged in taking or transporting king crab may not have on board an otter trawl with a ground line or headline longer than 60 feet.

5 AAC 34.XXX. King crab pot storage requirements for Registration Area L. Notwithstanding 5 AAC 34.052, king crab pots may not be stored in the water starting seven days following the closure of the Chignik commercial Tanner crab seasons until the scheduled opening date of the commercial king crab season in Registration Area L.

5 AAC 34.XXX. Registration Area L inspection points. Registration Area L inspection points are located at Kodiak or Dutch Harbor or at other locations specified by the department.

5 AAC 34.XXX. Vessel length restrictions for Registration Area L. (a) A vessel engaged in the commercial king crab fishery may not be longer than 58 feet overall length.

(b) For the purposes of this section, "overall length" means the straight line length between the extremities of the vessel, excluding anchor rollers.

Article 11. Registration Area M (South Alaska Peninsula). [AREA O (ALEUTIAN ISLANDS AREA)]

5 AAC 34.500. Description of Registration Area M. Registration Area M consists of waters west of a line extending [SOUTH FROM CAPE KUMLIK ALONG 157° 27.00' W. LONG.] 135° southeast from Kupreanof Point at 55° 33.98' N. lat., 159° 35.88' W. long. and east of a line extending south from Scotch Cap Light along 164° 44.72' W. long. Registration Area M also includes all waters of Bechevin Bay and Isanotski Strait south of a line from the easternmost tip of Chunak Point to the westernmost tip of Cape Krenitzen.

5 AAC 34.505. Description of Registration Area M Districts.

(b) Central District: all waters of Registration Area M east of a line from Cape Pankof at 54° 39.60' N. lat., 163° 03.70' W. long. to Point Petrof at 54° 28.75' N. lat., 162° 49.42' W. long. and extending south from Point Petrof along 162° 49.42' W. long., and west of a line **extending 135° southeast** from Kupreanof Point at 55° 33.98' N. lat., 159° 35.88' W. long. [TO CASTLE ROCK AT 55° 16.80' N. LAT., 159° 29.11' W. LONG. AND EXTENDING 135° SOUTHEAST FROM CASTLE ROCK]

[(C) WEST CHIGNIK DISTRICT: ALL WATERS OF REGISTRATION AREA M EAST OF A LINE FROM KUPREANOF POINT AT 55° 33.98' N. LAT., 159° 35.88' W. LONG. TO CASTLE ROCK AT 55° 16.80' N. LAT., 159° 29.11' W. LONG. AND EXTENDING 135° SOUTHEAST FROM CASTLE ROCK]

5 AAC 34.506. Area M Registration. Registration Area M is a superexclusive registration area. [A VESSEL REGISTERED TO TAKE KING CRAB IN THE WEST CHIGNIK DISTRICT MAY NOT BE USED TO TAKE KING CRAB IN ANY OTHER KING CRAB DISTRICT IN AREA M DURING THE REGISTRATION YEAR.]

5 AAC 34.527. King crab pot storage requirements for Registration Area M. Notwithstanding 5 AAC 34.052, king crab pots may not be stored in the water starting seven days following the closure of the South Peninsula [AND CHIGNIK DISTRICT] commercial Tanner crab season[S] until the scheduled opening date of the commercial king crab season in Registration Area M.

[5 AAC 34.498. VESSEL LENGTH RESTRICTION FOR REGISTRATION AREA M. (A) IN THE WEST CHIGNIK DISTRICT, A VESSEL ENGAGED IN THE COMMERCIAL KING CRAB FISHERY MAY NOT BE LONGER THAN 58 FEET OVERALL LENGTH.]

[(b) FOR THE PURPOSES OF THIS SECTION, "OVERALL LENGTH" MEANS THE STRAIGHT LINE LENGTH BETWEEN THE EXTREMITIES OF THE VESSEL, EXCLUDING ANCHOR ROLLERS.]

Article 12. Registration Area O (Aleutian Islands Area).

What is the issue you would like the board to address and why? The Chignik Area has different boundaries in the king crab fishery when compared to the salmon boundaries for the Chignik Area. The Chignik Area boundaries should be uniform for all fisheries

PROPOSED BY: Axel Kopun (EF-F19-083)

Westward Area Commercial Tanner Crab (5 proposals)

PROPOSAL 260

5 AAC 35.505. Description of Registration Area J districts; 5 AAC 35.506. Area J registration; and 5 AAC 35.507. Kodiak, Chignik, and South Peninsula Districts *C. bairdi* Tanner crab harvest strategies.

Align boundaries for the Chignik District commercial Tanner crab fishery with the commercial salmon fishery, as follows:

Adjust the boundaries for the Chignik Area for the commercial tanner crab fishery to the same Area boundaries as those used in the commercial salmon fishery as follows:

5 AAC 35.505. Description of Registration Area J Districts. (a) Kodiak District: all Pacific Ocean waters south of the latitude of Cape Douglas (58° 51.10' N. lat.), west of 149° W. long., and east of a line extending **135° southeast from a point near Kilokak Rocks at 57° 10.34' N. lat., 156° 20.22' W. long., (the longitude of the southern entrance to Imuya Bay);** [SOUTH FROM CAPE KUMLIK ALONG 157° 27.00 W. LONG.;

[(5) SEMIDI ISLAND OVERLAP SECTION: ALL WATERS OF THE KODIAK DISTRICT WEST OF A LINE EXTENDING SOUTH FROM THE ALASKA PENINSULA, NEAR KILOKAK ROCKS, ALONG 156° 20.22' W. LONG., AND EAST OF A LINE EXTENDING SOUTH FROM CAPE KUMLIK ALONG 157° 27.00' W. LONG.;

(f) Chignik District: all Pacific Ocean waters east of a line extending 135° southeast from Kupreanof Point at 55° 33.98' N. lat., 159° 35.88' W. long., [TO CASTLE ROCK AT 55° 16.80' N. LAT., 159° 29.11' W. LONG., AND EXTENDING 135° SOUTHEAST FROM CASTLE ROCK,] and west of a line extending **135° southeast from a point near Kilokak Rocks at 57° 10.34' N. lat., 156° 20.22' W. long., (the longitude of the southern entrance to Imuya Bay);** [SOUTH FROM CAPE KUMLIK ALONG 157° 27.00 W. LONG.;

5 AAC 35.506. Area J registration.

[(B) NOTWITHSTANDING (C) AND (G) OF THIS SECTION, A TANNER CRAB VESSEL VALIDLY REGISTERED FOR THE CHIGNIK DISTRICT MAY BE USED TO TAKE TANNER CRAB IN THE SEMIDI ISLAND OVERLAP SECTION OF THE KODIAK DISTRICT AS SPECIFIED IN 5 AAC 35.507.]

5 AAC 35.507. Kodiak, Chignik, and South Peninsula Districts *C. bairdi* Tanner crab harvest strategies.

(c) In the Kodiak District,

[(3) IN THE SEMIDI ISLAND OVERLAP SECTION,]

[(A) THE FISHERY WILL OPEN WHEN EITHER THE SOUTHWEST SECTION OF THE KODIAK DISTRICT OR THE CHIGNIK DISTRICT IS OPENED;]

What is the issue you would like the board to address and why? The Chignik Area has different boundaries in the tanner crab fishery when compared to the salmon boundaries for the Chignik Area. The Chignik Area boundaries should be uniform for all fisheries

PROPOSED BY: Axel Kopun

(EF-F19-085)

PROPOSAL 261

5 AAC 35.508. Bering Sea District *C. bairdi* Tanner crab harvest strategy.

Adopt a new Bering Sea Tanner crab harvest strategy used to set annual harvest limits, as follows:

A detailed analysis and recommended harvest strategy scenarios will be provided by the department prior to the March 2020 Statewide King and Tanner Crab meeting.

What is the issue you would like the board to address and why? The Eastern Bering Sea Tanner crab stock is characterized by highly variable and episodic recruitment leading to substantial changes in annual abundance levels. The current Bering Sea Tanner crab harvest strategy was established in 1999 and requires minimum abundance threshold levels for both mature male and female crab to be met before fisheries can occur. In recent years the fishery has been closed or occurred at reduced harvest limits based on low female abundance.

The analysis in support of the revised harvest strategy will evaluate the utility of including female abundance when considering harvest limits for the male only Tanner crab fishery. The recommended harvest strategy is expected to reduce probability of fishery closures, allow for best application of population estimates, and improve yield and stability for stakeholders.

PROPOSED BY: Alaska Department of Fish and Game (HQ-F19-172)

PROPOSAL 262

5 AAC 35.517. Bering Sea *C. opilio* Tanner crab harvest strategy.

Modify the Bering Sea *C. opilio* harvest strategy definition of “exploited legal males”, as follows:

Revise the harvest strategy definition of “exploited legal males” to allow for periodic changes in the size of exploited legal males, as follows:

...

(d) For the purposes of this section,

(5) "exploited legal males" means 100 percent of the new-shell plus a percentage of the old-shell male *C. opilio* Tanner crab that are of a size defined by ADF&G pre-season during TAC setting and greater than the legal size; the percentage of old-shell male *C. opilio* Tanner crab will be based on the expected fishery selectivity for old-shell versus new-shell male *C. opilio* Tanner crab;

What is the issue you would like the board to address and why? The basic framework of the Bering Sea snow crab harvest strategy applies an exploitation rate to the estimated mature male biomass or a percentage of exploited legal males to establish annual harvest limits. Currently, the legal minimum size for Bering sea snow crab (*C. opilio* Tanner crab) is 3.1 inches. However, an industry preferred size of 4 inches or larger is used to prosecute the fishery, thus, 4 inch or larger male snow crab are defined as “exploited legal males” in the harvest strategy. Retaining crab at industry preferred size provides for better product recovery and market yield relative to smaller sized legal crab.

During the TAC setting process, harvest limits are scaled to the abundance of exploitable legal males to avoid overharvest of the largest crab in the population. Recent information is showing that some *Chionoecetes* crab may reach maturity and terminal molt below 4 inches, meaning they

would never enter the fishery under the current definition of exploited legal males. Providing flexibility to the definition of “exploited legal males” in the harvest strategy, would allow the definition to adapt to changes in the industry preferred size while remaining above the minimum legal male size of 3.1 inches. Lowering the industry preferred size (for example to 3.8 inches) would result in benefits to the Alaskan snow crab resource consistent with Magnuson-Stevens Act National Standards and the *Board’s Policy on King and Tanner Crab Resource Management*. Specifically, these benefits include but are not limited to: 1) increased abundance of exploited legal males available to the fishery resulting in higher TACs in some years, and potentially reduced inter-annual variation in TAC levels; 2) improved vessel harvest efficiency; 3) reduced discard mortality of legal snow crab.

PROPOSED BY: Alaska Bering Sea Crabbers (EF-F19-087)

PROPOSAL 263

5 AAC 35.506. Area J registration.

Allow retention of incidentally harvested Bering Sea District *C. bairdi* during directed a *C. opilio* season, as follows:

5 AAC 35.XXX. Possession limits for Registration Area J.

Add a small possession limit for *C. bairdi* crab taken incidentally during *C. opilio* crab fishing after the season for *C. bairdi* crab has closed, as follows:

“In the Bering Sea District, a vessel operator that is registered to fish for *C. opilio* Tanner crab may also possess *C. bairdi* Tanner crab taken incidentally during *C. opilio* Tanner crab fishing after the season *C. bairdi* crab has closed in amount not to exceed [INSERT VALUE BETWEEN 2 TO 5] percent of the weight of *C. opilio* Tanner crab on board the vessel and reported on an ADF&G fish ticket. Any *C. bairdi* Tanner crab on board the vessel at the time of landing will not accrue toward quota and will be forfeited.”

What is the issue you would like the board to address and why? *C. bairdi* crab and *C. opilio* crab co-occur on the fishing grounds and even interbreed creating hybrids. Meaning while fishing for one species, it is inevitable that some of the other species will also be caught. In addition, the seasons for these two species largely overlap, with *C. bairdi* crab season closing first (on March 31) while the *C. opilio* crab season lasts longer (closing May 15 in the Eastern Subdistrict and May 31 in the Western Subdistrict). Fishermen sort the crab at sea to retain the intended target species. However, there may be a small amount of the non-target species that are mis-identified or cling on to the target species going in the vessel’s holding tank. A regulation already exists to allow up to 35% of *C. opilio* crab to be retained during the season while fishing *C. bairdi* crab (5 AAC 35.506(j)). This proposal would allow a small amount (between two to five percent) of non-target species (*C. bairdi* crab) caught incidentally when targeting *C. opilio* crab after the season for *C. bairdi* crab has closed without being subject to a penalty or violation. This proposal would formalize in writing an existing agency practice/policy. The *C. bairdi* crab would have to be forfeited at the time of landing and would not accrue toward quota in the crab rationalization program.

PROPOSAL 264

5 AAC 35.510. Fishing Seasons for Registration Area J.

Amend Area J Tanner crab season opening weather delay criteria, as follows:

5 AAC 35.510 is amended to read:

(a) In the Kodiak District,

...

(2) the season opening shall be delayed for 24 hours if the January 14, 4:00 a.m. National Weather Service forecast [FOR THE CURRENT DAY AND NIGHT OR THE FOLLOWING DAY AND NIGHT] for any section of the Kodiak District, except in the Semidi Island Overlap and Southwest Sections, contains a gale warning, in which case the season opening in all sections of the Kodiak District eligible for a season opening will be delayed 24 hours; if after the initial weather delay, the 4:00 a.m. National Weather Service forecast [FOR THE CURRENT DAY AND NIGHT OR THE FOLLOWING DAY AND NIGHT] again contains a gale warning, the season opening in all sections will be delayed an additional 24 hours; the season opening delays may continue on a rolling 24-hour basis until 12:00 noon on January 25, when the season will open regardless of any gale warning in the National Weather Service forecasts; for the purposes of this paragraph, the corresponding National Weather Service forecast areas for the sections of the Kodiak District are as follows:

- (A) Northeast Section: **PKZ132** [3B];
- (B) Eastside Section: **PKZ132** [3B];
- (C) Southeast Section: **PKZ132** [3B];
- (D) Westside Section: **PKZ138** [3C];
- (E) North Mainland Section: **PKZ138** [3C];

...
(b) In the Chignik District,

...

(2) the season opening shall be delayed for 24 hours if the January 14, 4:00 a.m. National Weather Service marine forecast [FOR THE CURRENT DAY AND NIGHT OR THE FOLLOWING DAY AND NIGHT] contains a gale warning; if after the initial weather delay, the 4:00 a.m. National Weather Service marine forecast [FOR THE CURRENT DAY AND NIGHT OR THE FOLLOWING DAY AND NIGHT] again contains a gale warning, the season opening will be delayed an additional 24 hours; the season opening delays may continue on a rolling 24-hour basis until 12:00 noon on January 25, when the season will open regardless of the National Weather Service marine forecasts; for the purposes of this paragraph, the corresponding National Weather Service marine forecast area for the Chignik District is [AREA] **PKZ155**.[: COASTAL WATERS SOUTH OF THE ALASKA PENINSULA CASTLE CAPE TO CAPE SARICHEF.]

(c) In South Peninsula District,

...

(2) the season opening shall be delayed for 24 hours if the January 14, 4:00 a.m. National Weather Service marine forecast [FOR THE CURRENT DAY AND NIGHT OR THE FOLLOWING DAY AND NIGHT] contains a gale warning; if after the initial weather delay, the

4:00 a.m. National Weather Service marine forecast [FOR THE CURRENT DAY AND NIGHT OR THE FOLLOWING DAY AND NIGHT] again contains a gale warning, the season opening will be delayed an additional 24 hours; the season opening delays may continue on a rolling 24-hour basis until 12:00 noon on January 25, when the season will open regardless of the National Weather Service marine forecasts; for the purposes of this paragraph, the corresponding National Weather Service marine forecast area for the South Peninsula District is [AREA] **PKZ155**[: COASTAL WATERS SOUTH OF THE ALASKA PENINSULA CASTLE CAPE TO CAPE SARICHEF.]

What is the issue you would like the board to address and why? Regulations established to delay opening of Area J commercial Tanner crab seasons are based on National Weather Service (NWS) marine weather forecasts. However, existing regulations do not reflect current NWS forecasting practices and forecast areas. Tanner crab seasons in Kodiak, Chignik, and South Alaska Peninsula are delayed if a gale warning is forecasted during the 48-hour period beginning the day before the fishery is scheduled to start; however current NWS marine warnings only extend 36 hours beyond the initial forecast. Additionally, marine forecast areas have been redefined since these regulations were established. This proposal aligns weather delay regulations with current NWS forecast areas and practices. The department encourages alternative input from fishery participants on the timing and criteria for weather delay regulations given the constraints of the NWS marine warning forecasting process.

PROPOSED BY: Alaska Department of Fish and Game (HQ-F19-173)

Aleutian Islands Area Commercial King Crab (4 proposals)

PROPOSAL 265

5 AAC 34.640. Registration Area O inspections and inspection points; 5 AAC 34.806. Area T registration; 5 AAC 34.840. Registration Area T inspection points and requirements; 5 AAC 34.906. Area Q registration; 5 AAC 34.940. Registration Area Q inspections and inspection points; 5 AAC 34.950. District registration; 5 AAC 35.506. Area J registration; 5 AAC 35.555. Inspection requirements for Registration Area J; 5 AAC 39.670. Bering Sea/Aleutian Islands Individual Fishing Quota (IFQ) Crab Fisheries Management Plan.

Update Bering Sea and Aleutian Islands crab registration regulations, as follows:

5 AAC 34.640 is amended to read:

(a) Inspection points in Registration Area O are located at Dutch Harbor[, AKUTAN, KING COVE,] and at additional locations if specified by the department.

(b) Notwithstanding 5 AAC 34.030(a), for Registration Area O a registered king crab vessel may have its holds, live tanks, and freezers inspected by a local representative of the department at Dutch Harbor or **additional locations specified by the department** [, AKUTAN, OR KING COVE] within 72 hours before taking or processing king crab.

5 AAC 34.806 is amended to read:

(b) For the red king crab fishery, the **preseason** vessel registration deadline for the registration year is 5:00 p.m. September 24. Before a vessel may be **preseason** registered under this subsection,

the vessel operator must file a **preseason** registration form with the department. The **preseason** registration form must identify the vessel and vessel operator, and must be received in person, [OR] by mail, **electronic mail** or facsimile, at the department office in Dutch Harbor or Kodiak by the deadline specified in this subsection.

Editor's note: The registration form specified in 5 AAC 34.806(b) may be sent by mail or facsimile to the department office in Dutch Harbor at Department of Fish and Game, P.O. Box 920587, Dutch Harbor, Alaska 99602-0587; Fax: (907) 581-1572; **e-mail: dfg.dutchharbor@alaska.gov** or the department office in Kodiak at Department of Fish and Game, Division of Commercial Fisheries, 351 Research Court, Kodiak, Alaska 99615-7400; Fax: (907) 486-1824.

5 AAC 34.840 is amended to read:

(b) Notwithstanding 5 AAC 34.030, in Registration Area T within 30 hours before a season opening or at any time during the open season before taking or processing king crab, a king crab vessel registered for Registration Area **may** [MUST] have all holds or live tanks inspected by a local representative of the department at inspection points specified in this section. Unless otherwise specified in this chapter, king crab may not be on board the vessel at the time of inspection. Successful completion of the inspection validates the vessel's registration for Registration Area T. During the period 30 hours before the season opening in Registration Area T until the season closure, the inspection requirements of this section do not apply to a registered king crab vessel that does not have a saltwater circulation system in its holds or live tanks. If an inspection is not required, completion of the registration form validates the registration.

5 AAC 34.906 is amended to read:

(b) In the Pribilof District and the St. Matthew Island Section of the Northern District,

(1) for the red and blue king crab fishery, the **preseason** vessel registration deadline for the registration year is 5:00 p.m. August 24;

(2) for the golden king crab fishery, the vessel registration deadline for the registration year is 21 days before the vessel begins fishing operations.

(c) Before a vessel may be registered under this section, the vessel operator must obtain a CFEC interim-use permit for Bering Sea king crab that references the vessel's ADF&G license number and file a registration form with the department, except that a vessel operator is not required to obtain a CFEC interim-use permit before filing a registration form for the Pribilof District red and blue king crab fisheries or the Saint Matthew Island Section blue king crab fishery. The registration form must identify the vessel and vessel operator and must be received in person, by mail, **electronic mail**, or facsimile, at the department office in Dutch Harbor or Kodiak by the applicable deadline specified in (b) of this section.

Editor's note: The registration form specified in 5 AAC 34.906(c) may be sent by mail or facsimile to the department office in Dutch Harbor at Department of Fish and Game, P. O. Box 920587, Dutch Harbor, Alaska 99602-0587; Fax: (907) 581-1572; **e-mail: dfg.dutchharbor@alaska.gov**; or the department office in Kodiak at Department of Fish and

Game, Division of Commercial Fisheries, 351 Research Court, Kodiak, Alaska 99615-7400; Fax: (907) 486-1824.

5 AAC 34.940 is amended to read:

(b) Notwithstanding 5 AAC 34.030, for the Saint Matthew Island Section of Registration Area Q, a registered king crab vessel may have its holds, live tanks, and freezers inspected by a local representative of the department at Dutch Harbor or **additional locations specified by the department** [, AKUTAN, OR KING COVE] within 72 hours before taking or processing king crab.

(c) Notwithstanding 5 AAC 34.030, for the Pribilof District of Registration Area Q, a registered king crab vessel may have its holds, live tanks, and freezers inspected by a local representative of the department at Dutch Harbor or **additional locations specified by the department** [, AKUTAN, OR KING COVE] within 30 hours before taking or processing king crab.

5 AAC 34.950 is amended to read:

5 AAC 34.950. District registration. (a) Vessel and gear registered for Registration Area Q must also be registered for the Northern District before fishing in that district. Vessels and gear registered for the Northern District may not be used to fish in any other district. The registration district shall be indicated on the **registration** [INSPECTION] certificate.

5 AAC 35.506 is amended to read:

(e) For the Chignik, Eastern Aleutians, Western Aleutians, and Bering Sea Districts, the registration deadlines for the registration year are as follows:

(1) for the Bering Sea District *C. opilio* Tanner crab fishery, the **preseason** registration deadline is 5:00 p.m. September 24;

(2) for the Bering Sea District, *C. bairdi* Tanner crab fishery, the **preseason** registration deadline is 5:00 p.m. September 24;

(3) repealed 8/14/2005;

(4) for the Eastern Aleutian District *C. bairdi* Tanner crab fishery, the **preseason** registration deadline is 5:00 p.m. December 24;

(5) for the Western Aleutian District *C. bairdi* Tanner crab fishery, the registration deadline is 5:00 p.m. October 10;

...

(f) Before a vessel may be registered under this section, the vessel operator must obtain a CFEC interim-use permit for Tanner crab that references the vessel's ADF&G license number and file a registration form with the department, except that a vessel operator is not required to obtain a CFEC interim-use permit before filing a **preseason** registration form for the Bering Sea Tanner or snow crab fisheries. The registration form must identify the vessel and vessel operator and must be received in person, or by mail, **electronic mail**, or facsimile, at the department office in Dutch Harbor or Kodiak by the applicable deadline specified in (e) of this section.

Editor's note: The registration form specified in 5 AAC 35.506(e) and (f) may be sent by mail, **electronic mail or** facsimile to the department office in Dutch Harbor at Department of Fish and

Game, P.O. Box 920587, Dutch Harbor, Alaska 99602-0587; Fax: (907) 581-1572; **e-mail: dfg.dutchharbor@alaska.gov**; or the department office in Kodiak at Department of Fish and Game, Division of Commercial Fisheries, 351 Research Court, Kodiak, Alaska 99615-7400; Fax: (907) 486-1824.

5 AAC 35.555 is amended to read:

(a) Except in the Kodiak, Chignik, and South Peninsula Districts, during the 24 hours before the scheduled opening date of the commercial Tanner crab season in Registration Area J, or a portion of Registration Area J, or at any time during the open season before taking crab, a Tanner crab vessel registered for Registration Area J **may** [MUST] have all holds, live tanks, and freezers inspected by a local representative of the department at an inspection point specified in 5 AAC 35.540. 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. In the Bering Sea District only, the requirements of this section do not apply to catcher-processor vessels, if the commercial *C. bairdi* Tanner crab season remains open through the opening of the commercial *C. opilio* Tanner crab season.

(b) Notwithstanding (a) of this section, for the Bering Sea District commercial *Chionoecetes opilio* fishery, a registered Tanner crab vessel may have its holds, live tanks, and freezers inspected by a local representative of the department at Dutch Harbor or **additional locations specified by the department** [, AKUTAN, OR KING COVE] within 48 hours before taking or processing Tanner crab.

5 AAC 39.670 is amended to read:

Editor's note: The contact phone number for the United States Coast Guard for Kodiak, Alaska is (907) 654-5588; Unalaska/Dutch Harbor, Alaska is (907) 581-6738; Anchorage, Alaska is (907) 229-8203; and Kenai, Alaska is (907) 398-6220.

The gear operation transfer form specified in 5 AAC 39.670(c)(2) may be sent to the department office in Dutch Harbor at Department of Fish and Game, P.O. Box 920587, Dutch Harbor, AK 99692-0587; Fax (907) 581-1579; **e-mail: dfg.dutchharbor@alaska.gov**.

What is the issue you would like the board to address and why? Most Bering Sea crab fisheries were rationalized in 2005 resulting in orderly and predictable fisheries. Some registration requirements for Bering Sea and Aleutian Islands crab fisheries do not best reflect current fishing practices. This proposal would provide additional clarification between preseason and fishery registrations, allow the fleet to submit forms to the department by electronic mail, provide the department with flexibility on registration location, and allow the department the ability to waive tank inspections for vessels.

PROPOSED BY: Alaska Department of Fish and Game (HQ-F19-167)

PROPOSAL 266

5 AAC 34.610. Fishing seasons for Registration Area O.

Change the season dates for the Registration Area O golden king crab fishery to March 1–October 31, as follows:

Change the fishery dates for the Aleutian Islands golden king crab fishery from August 1 through April 30 to March 1 through October 31. The following regulatory language is suggested:

5 AAC 34.610 Fishing seasons for Registration Area O

(b) Male golden king crab may be taken only as follows:

(2) beginning **March 1, 2021** [AUGUST 1, 2015], from 12:00 noon **March 1 through 11:59 p.m. October 31** [AUGUST 1 THROUGH 11:59 P.M. APRIL 30].

What is the issue you would like the board to address and why? The Dutch Harbor processors desire and ability to efficiently take deliveries of Golden King Crab (GKC) during November, December, and early January has been an increasing problem over the last several years. Due to rising costs, the plant owners have consistently scaled back the staff and the days they're open during those times. The slow time period between the finish of Red King Crab and the start of Opilio and Pollock deliveries is used for annual plant maintenance and repair projects. Two of the three Dutch Harbor processors typically close for the year in early November. The remaining plant operates with a day shift crew until closing in mid-December. These issues seem to be getting worse each year with the ever increasing costs to operate the plants. A significant portion of the GKC quota is landed during this period. If the third plant follows suit and closes, the harvesters would incur unnecessary costs and risk their ability to harvest the quota before the season ends.

A change to the season dates would be mutually beneficial to the processing and harvesting sectors. A change from the current season of August through April to March through October would avoid the difficult months for the processors. For the processors, accepting GKC deliveries while they're fully staffed for other fisheries (Cod, Pollock, etc...) is more profitable. A change would allow the harvesters to catch their quota without the risk of having nowhere to deliver during November and December. A March season start would mean that more of the GKC harvest would occur during the summer months. Doing so would reduce deadloss, reduce weather related safety issues, and provide opportunities for vessels to participate in other crab fisheries that conflict with the current season.

PROPOSED BY: Mark Henkel

(EF-F19-071)

PROPOSAL 267

5 AAC 65.020. Fishing seasons for Alaska Peninsula and Aleutian Islands Area.

Establish season and limits for golden king crab in the Alaska Peninsula and Aleutian Islands Area, as follows:

5 AAC 65.020(10) is amended to read:

(10) king crab: **the daily bag and possession limit is six golden king crab per person; red king crab may not be retained or possessed; all crab pots use for sport fishing and left in saltwater unattended longer than a two-week period shall have all bait and bait containers removed and all doors secured fully open; golden king crab may be taken only from June 1**

through January 31; only male golden king crab six and one-half inches or greater in width of shell may be taken or possessed. [NO OPEN SEASON; MAY NOT BE RETAINED OR POSSESSED; ALL KING CRAB MUST BE RELEASED IMMEDIATELY.]

What is the issue you would like the board to address and why? Sport fishing for all king crab has been closed in the Alaska Peninsula and Aleutian Islands Area (APAIA), though there is not a conservation concern for golden king crab. While red king crab stocks are low in this area and no commercial effort and only a small subsistence fishery is allowed for them, commercial and subsistence fisheries annually occur for golden king crab. A small sport fishery could be also prosecuted without conservation concern. This proposal would create sport fishing seasons, size and bag limits for the Aleutian Islands and Bering Sea waters for golden king crab only and continue to prohibit harvest of red king crab. This would allow anglers to target golden king crab under sport fishing regulations in one of the few areas of the state it could be allowed and where harvest is already taking place in commercial and subsistence fisheries.

PROPOSED BY: Alaska Department of Fish and Game (HQ-F19-154)

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)

Onboard Observer Programs (4 proposals)

PROPOSAL 269

5 AAC 39.143. Onboard observer certification and decertification.

Amend observer trainee permit revocation regulation, as follows:

5 AAC 39.143 is amended to read:

...

(d) [THE COMMISSIONER MAY REVOKE A] A trainee permit **may be revoked** for the reasons **listed** [AND] under the procedures set out in (j) - (n) of this section, **and at the discretion of the department**. If revocation proceedings are pending on the date the permit would expire under (c)(1) of this section, the permit expires under that paragraph, and all rights under the permit cease. If revocation proceedings are pending on the date the permit would expire under (c)(2) of this section, the permit does not expire on that date, but is suspended until conclusion of the revocation proceedings. The trainee may not act under the permit during the period of suspension. The permit expires at the conclusion of the revocation proceedings unless the department determines that the permit should not be revoked and that the trainee should be certified as an observer under (f) of this section.

What is the issue you would like the board to address and why? The criteria used to revoke observer trainee and full observer certification are currently the same in regulation. It is not uncommon for observer candidates to pass the written exam to become observer trainees then later discover they are not suited for the physical and mental challenges experienced at sea. This results in poor data quality and added costs to the observer program. Allowing the department greater flexibility to revoke trainee certification when warranted will improve data quality and provide the needed flexibility to ensure qualified observers are deployed to meet management needs.

PROPOSED BY: Alaska Department of Fish and Game (HQ-F19-169)

PROPOSAL 270

5 AAC 39.146. Onboard observer briefing and debriefing.

Specify briefing and debriefing requirements for trainee and certified observers, as follows:

5 AAC 39.146 is amended to read:

...

(e) Trainee observers must be fully briefed and debriefed for each individual fishery they observe prior to observing any subsequent fisheries. Observers holding a current certification with the department may be considered for briefing and debriefing for multiple fisheries with prior authorization, at the discretion of the department.

What is the issue you would like the board to address and why? The current regulation does not specify the number of fisheries a trainee or certified observer is permitted to observe for each departmental briefing and debriefing. Given the complexity of deploying observers across multiple fisheries and the need to maintain data integrity, this proposal would prohibit trainee observers from deploying across multiple fisheries without briefing and debriefing between trips.

PROPOSED BY: Alaska Department of Fish and Game (HQ-F19-170)

PROPOSAL 271

5 AAC 39.645. Shellfish onboard observer program.

Specify marine safety requirements for fishing vessels carrying observers, as follows:

5 AAC 39.645 is amended to read:

...

(i) When a vessel is required to carry an onboard observer, the vessel owner, owner’s agent, or operator shall

(11) maintain safe conditions on the vessel for the protection of observers including adherence to all U.S. Coast Guard and other applicable rules, regulations, or statutes pertaining to safe operation of the vessel.

What is the issue you would like the board to address and why? Currently, there are no regulations that address the standard for maintaining safe conditions at sea for fishery observers. The proposed regulation closely parallels federal regulations regarding observer safety.

PROPOSED BY: Alaska Department of Fish and Game (HQ-F19-168)

PROPOSAL 272

5 AAC 39.646. Shellfish onboard observer trainee program qualifications and requirements.

Amend observer trainee minimum qualifications, as follows:

5 AAC 39.646 is amended to read:

(a) To qualify as a crab or scallop onboard observer trainee, an applicant must have one of the following:

(1) a Bachelor degree **or higher from an accredited college or university with a major in the sciences of biology, any branch of biology, or limnology, which includes a minimum of 30 semester hours in applicable biological sciences with use of dichotomous keys in at least one course, and the successful completion of at least one course each in mathematics and statistics with a minimum of five semester hours total for both;** or

What is the issue you would like the board to address and why? The current language does not specify a minimum amount of semester hours for applicable courses in the biological sciences and does not specify courses necessary to be successful performing the basic duties of an onboard observer. These requirements mirror the current minimum standards to qualify as a federal observer program trainee.

PROPOSED BY: Alaska Department of Fish and Game (HQ-F19-171)

Norton Sound Commercial King Crab (4 proposals)

PROPOSAL 273

5 AAC 34.910. Fishing seasons for Registration Area Q.

Amend the season dates for king crab in the Northern District Norton Sound Section, as follows:

(d)(2) through the ice only, during a fishing season established by emergency order to open on or after February 1 and close April 30, unless extended by emergency order (winter season).

What is the issue you would like the board to address and why? Pot Loss in the winter is excessive. With warming winter temperatures shore-fast ice is less stable than in prior years. These dates would eliminate the portion of the season when ice is prone to move.

Handling mortality of females and undersized crab would be reduced by handling crab late in the season when temperatures are less extreme.

PROPOSED BY: Northern Norton Sound Advisory Committee (EF-F19-011)

PROPOSAL 274

5 AAC 34.925. Lawful gear for Registration Area Q.

Limit the number of pot tags per permit per season in the Norton Sound Section commercial king crab fishery, as follows:

(e)(2)(C) a permit holder will be limited to operating no more than 20 pots during the winter season described in (d) of this section during the winter through-the-ice commercial king crab season described in 5 AAC 34.910.(d)(2); **Only 20 pot tags will be issued to any one permit holder for the season.**

What is the issue you would like the board to address and why? The Norton Sound winter commercial crab fishery has excessive pot loss, up to 50% on some years. This is contrary to the State policy to maximize beneficial human uses and sustained yield. Our stock is declining and the mortality of the older-age classes far exceeds that for the younger age classes. This difference in mortality rate between young and older crab is unique to the Norton Sound red king crab. Ghost fishing likely affects the older-age classes more because of the mandatory escape rings and cumulative mortality effects.

Pots in the commercial fishery are currently considered a consumable supply and are replaced if lost. When pots were more expensive in comparison to the catch in times of lower price, fishers were more cautious in pot placement and the tending of pots, so pot loss was much less.

PROPOSED BY: Northern Norton Sound Advisory Committee (EF-F19-014)

PROPOSAL 275

5 AAC 34.XXX. New section.

Allow a person or vessel to participate in the Norton Sound red king crab fishery after operating commercial Pacific cod pots in the Norton Sound Section within 14 days prior to the opening of the Norton Sound red king crab fishery, as follows:

5 AAC 34.xxx a person or vessel may participate in the Norton Sound red king crab fishery after operating commercial Pacific cod pots in the Norton Sound Section within 14 days prior to the opening of the Norton Sound red king crab fishery.

What is the issue you would like the board to address and why? Norton Sound red king crab fishermen are working to diversify their fishing operations. Fishing for Pacific cod using pots is one new opportunity. However, regulation 34.053 limits fishermen from pot fishing within Norton Sound for 14 days prior to the Norton Sound red king crab fishery. The primary time frame for fisherman to target Pacific cod is from June to September. The 14 day closure before the Norton Sound red king crab fishery is a significant amount of the available fishing time. Additionally the primary area to target Pacific cod is west of the area that most of the Norton Sound red king crab fishery occurs.

PROPOSED BY: Wes Jones (HQ-F19-134)

PROPOSAL 276

5 AAC 34.XXX. New section.

Allow a person or vessel to operate commercial Pacific cod pots in the Norton Sound Section within 14 days of the closure of the Norton Sound red king crab fishery after participating in the Norton Sound red king crab fishery, as follows:

5 AAC 34.xxx a person or vessel may operate commercial Pacific cod pots in the Norton Sound Section within 14 days of the closure of the Norton Sound red king crab fishery after participating in the Norton Sound red king crab fishery.

What is the issue you would like the board to address and why? Norton Sound red king crab fishermen are working to diversify their fishing operations. Fishing for Pacific cod using pots is one new opportunity. However, regulation 34.053 limits fishermen from pot fishing within Norton Sound for 14 days after to the Norton Sound red king crab fishery. The primary time frame for fisherman to target Pacific cod is from June to September. The 14 day closure after the Norton Sound red king crab fishery is a significant amount of the available fishing time. Additionally the primary area to target Pacific cod is west of the area that most of the Norton Sound red king crab fishery occurs.

PROPOSED BY: Wes Jones (HQ-F19-135)

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PROPOSAL 277

5 AAC 29.112. Management of chum salmon troll fishery.

Add the Crawfish Inlet Terminal Harvest Area and West Crawfish Inlet to waters that may be opened to a hatchery chum salmon troll fishery, as follows:

5 AAC 29.112(b)(3) and (4) are added to read:

(b)(3) in waters of the Crawfish Inlet Terminal Harvest Area south of 56°47.14' N. lat. in Cedar Pass, northeast of a line from 56°43.83' N. lat., 135°16.13' W. long. to 56°43.49' N. lat., 135°15.50' W. long. in Middle Channel, and north of a line from 56°43.01' N. lat., 135°12.93' W. long. to 56°43.25' N. lat., 135°12.18' W. long. in Walker Channel.

(b)(4) in the portions of West Crawfish Inlet, sub-district 113-32; as determined by the department for conservation management reasons.

What is the issue you would like the board to address and why? The Crawfish Inlet chum salmon program has a specific terminal harvest area defined in 5 AAC 33.380 (THA established January 2018) for troll which does not include West Crawfish Inlet (3 miles distant connected by Cedar Pass). The expectation in 2017 was the chum salmon would return to Crawfish Inlet through the islets and waterways leading into the inlet. In the summer of 2018, it was learned that most of the chum salmon entered Crawfish Inlet via West Crawfish Inlet. Furthermore, the chum salmon held in West Crawfish Inlet for days before migrating to their release location. This provided an outstanding opportunity for trollers in 2018 when they caught 250,000 chum salmon primarily in West Crawfish Inlet. In 2019, again the chum salmon flooded into West Crawfish Inlet in early August and trollers began harvesting chum salmon in good numbers for two days until the 'coho salmon closure' precluded them from fishing in West Crawfish Inlet.

Much like the Deep Inlet chum salmon fishery, the chum salmon hold in Sitka Sound and Eastern Channel during sunny dry periods where the trollers fish on large schools prior to the chum salmon moving into Deep Inlet. Similarly, Eastern Channel has a provision for troll harvest during the coho salmon troll closure. There is precedent for this request in 5 AAC 29.112.

The Northern Southeast Regional Aquaculture Association (NSRAA) designated the Crawfish Inlet chum salmon program to be managed for Troll priority from 2017-2025, in effect allowing six days of trolling and one day for purse seine gear mop-up fishery. Priority was given to trollers due to the significant troll imbalance, vis-à-vis the Southeast Allocation Plan (5 AAC 33.364). It was unforeseen that the chum salmon would not go directly to the terminal area, but rather stall in West Crawfish Inlet during their migration to their terminal release site. In 2019 a second unforeseen event was the department coho salmon troll closure coinciding with hundreds of thousands of chum salmon schooling in West Crawfish Inlet.

Trollers will lose fishing opportunity during troll coho salmon closures and the SE Enhanced Alaska Allocation imbalance will worsen, with trollers being even further below their allocation range. If there is no provision for trollers to harvest during the coho salmon closure, these chum salmon will eventually move to Crawfish Inlet and be caught by seine or troll. However, it is important to note that once the chum salmon enter the terminal area the trollers are less effective at harvesting them, and therefore more chum salmon will be caught by the seine fleet.

PROPOSED BY: Northern Southeast Regional Aquaculture Association (Formerly ACR 1)

PROPOSAL 279

5 AAC 06.333. Requirements and specifications for use of 200 fathoms of drift gillnet in Bristol Bay.

Allow two Bristol Bay drift gillnet CFEC permit holders to fish concurrently from the same vessel and jointly operate up to 200 fathoms of drift gillnet gear when the Naknek River Special Harvest Area is open, as follows:

5 AAC 06.333. Requirements and specifications for use of 200 fathoms of drift gillnet in Bristol Bay. (a) Two Bristol Bay drift gillnet CFEC permit holders may concurrently fish from the same vessel and jointly operate up to 200 fathoms of drift gillnet gear under this section, except

- (1) in the Togiak District;
- (2) in a special harvest area;
- [(3) IN THE BRISTOL BAY AREA WHEN THE NAKNEK RIVER SPECIAL HARVEST AREA IS OPEN UNDER 5 AAC 06.360.]

What is the issue you would like the board to address and why? This proposal seeks to allow the continued use of dual drift gillnet permit operations in Bristol Bay when the Naknek River Special Harvest Area is open. When this regulation was adopted the growth and importance of dual-permit drift gillnet operations was unforeseen and many of the concerns over movement of dual-permit operations into the Nushagak District, when 5 AAC 06.333 was adopted, are no longer present. In 2019, over 40% of CFEC drift gillnet permit holders were involved in dual-permit operations and dual-permit operations have become integral to the Bristol Bay salmon fishery. Preseason, when many dual-permit operations are formed, it is impossible for permit holders to know if the NRSWA will be opened. Elimination of dual-permit operations inseason results in increased cost to the fleet, reduced efficiency, and reduced harvest efficiency.

PROPOSED BY: Robert Heyano

(Formerly ACR 8)

PROPOSAL 280

5 AAC 01.270. Lawful gear and gear specifications and operation; and 5 AAC 07.365 Kuskokwim River Salmon Management Plan.

Allow use of set gillnets with 6” mesh to harvest salmon other than king salmon and other non-salmon fish species on the Kuskokwim River for subsistence purposes during times of king salmon conservation, as follows:

5 AAC 01.270 (n)(1)(B). Lawful gear and gear specifications and operation.

(n) Notwithstanding (b) and (j) of this section, during times when the commissioner determines that it is necessary for the conservation of king salmon, the commissioner, by emergency order, may close the fishing season in any portion of the Kuskokwim Area and immediately reopen the season in that portion during which one or more of the following gear limitations may be implemented:

(1) for gillnets;

(B) a gillnet mesh size may not exceed six [FOUR] inches and the gillnet may only be operated as a set gillnet; [NO PART OF A SET GILLNET MAY BE MORE THAN 100 FEET FROM THE ORDINARY HIGH WATER MARK;]

5 AAC 07.365 (c)(2)(C) and (c)(3)(C)). Kuskokwim River Salmon Management Plan.

(c) In the king salmon fishery,

(2) when the projected escapement of king salmon is within the drainagewide escapement goal range, the commissioner shall open and close fishing periods, by emergency order, as follows:

(C) notwithstanding (c)(2)(A) of this section, before June 12 the commissioner shall open, by emergency order, at least one subsistence fishing period per week with six-inch [FOUR-INCH] or smaller mesh gillnets; the gillnet may only be operated as a set gillnet [AND NO PART OF THE SET GILLNET MAY BE MORE THAN 100 FEET FROM THE ORDINARY HIGH WATER MARK];

(3) when the projected escapement of king salmon exceeds the drainagewide escapement goal range,

(C) notwithstanding (c)(3)(A) of this section, before June 12 the commissioner shall open, by emergency order, at least one subsistence fishing period per week with six-inch [FOUR-INCH] or smaller mesh gillnets; the gillnet may only be operated as a set gillnet [AND NO PART OF THE SET GILLNET MAY BE MORE THAN 100 FEET FROM THE ORDINARY HIGH WATER MARK];

What is the issue you would like the board to address and why? Since 2010, the Kuskokwim River has experienced poor king salmon runs. Total run estimates for Kuskokwim River king salmon in 2012, 2013, and 2014 are the 3 lowest on record. From 2010 through 2013 most tributary escapement goals were not achieved and the Kuskokwim River drainagewide sustainable escapement goal established in 2013 was not achieved that year. Beginning in 2014, a very conservative management approach has been employed on the Kuskokwim River, which has led to most tributary escapement goals being achieved. In addition, drainagewide escapement levels have been near the upper end of the established escapement goal of 65,000–120,000 king salmon since 2015. The preliminary 2019 king salmon return was average, the total run was approximately 230,000, the spawning escapement was estimated to be 180,000, the drainagewide sustainable

escapement goal was exceeded, and all tributary goals were met or exceeded. Communications from Kuskokwim River residents indicate most subsistence needs for king salmon were met.

Up to 4-inch mesh gillnets not exceeding 60 ft in length have been allowed during times of king salmon conservation by emergency order as an opportunity for subsistence fishermen to harvest species of fish other than salmon (e.g., sheefish, whitefish, burbot, and northern pike). It was observed that subsistence fishermen were setting 4-inch mesh gillnets and targeting king salmon with this gear. This was a direct conflict with the intent of this fishing opportunity. In response, the board addressed this issue at their March 2015 meeting and adopted regulations to provide the department with the ability to specify that during times of conservation, 4-inch mesh gillnets could only be operated as set gillnets and no part of the gillnet may be more than 100 ft from the ordinary high-water mark.

The Kuskokwim Subsistence Salmon Panel was established by the board in October 2014 to seek public input on how to ensure an equitable distribution of subsistence salmon resources throughout the Kuskokwim River drainage and potential tools for equitable distribution in times of low abundance. The panel met in Bethel in January and August of 2015 to discuss and develop options for consideration by the board. Subsequently, in January 2016, the board met in Fairbanks to consider proposals concerning the Arctic-Yukon-Kuskokwim areas. An early season king salmon subsistence fishing closure, like the approach taken in 2014 and 2015, was suggested and agreed to by a group of Kuskokwim River residents who were in attendance. The board passed language that would annually suspend directed subsistence fishing for king salmon in the Kuskokwim River until after June 11. The intent of this closure was to distribute fish throughout the drainage for equitable harvest opportunity. Consequently, the closure also conserves fish for escapement purposes. In 2017, the board provided the department with additional guidance by directing the department to provide at least 1 subsistence fishing opportunity per week with 4-inch or less mesh set gillnets during the closure. This allows subsistence fishermen the opportunity to harvest species other than salmon during the regulated early season closure.

Six-inch mesh set gillnets would allow an additional gear type to implement for subsistence fisheries when king salmon abundance is forecast to provide harvestable surplus, but inseason run strength is unknown. Set gillnets with 6-inch or smaller mesh could be used to provide harvest opportunity for salmon (other than king salmon) early in the season when conservation measures are necessary to protect king salmon and run abundance is uncertain. This gear type would harvest king salmon at an intermediate rate between 4-inch mesh set gillnets and directed king salmon gear.

PROPOSED BY: Organized Village of Kwethluk (Formerly ACR 9)

PROPOSAL 281

5 AAC 75.022. Freshwater sport fishing.

Prohibit fishing in fresh water with live earthworms in the genus *Lumbricus*, as follows:

5 AAC 75.022. Freshwater sport fishing.

(a) Unless otherwise provided in 5 AAC 47 – 5 AAC 75, a person may not fish in fresh water with

- 1) fixed or weighted hooks and lures, except those of standard manufacture;
- 2) multiple hooks with gap between point and shank larger than one-half inch;
- 3) a spear;
- 4) an arrow;[.]
- 5) **live earthworms in the genus *Lumbricus*.**

What is the issue you would like the board to address and why? Nonnative European earthworms, particularly species in the genus *Lumbricus* (for example, Nightcrawlers), have caused substantial damage to natural areas where they have been introduced in northern North America, causing loss of soil surface layers, reductions in native plant and animal species, and increases in nonnative weeds (see <http://greatlakeswormwatch.org/forest/index.html>). This same pattern is already taking place in some places in Southcentral Alaska where *Lumbricus* earthworms have been introduced.

Other northern states have recognized invasive earthworms as a serious problem and enacted laws to restrict their spread. In Minnesota it is illegal to release nonnative species including exotic earthworms under Minnesota Statutes 84D.06 (see Minnesota DNR's information on this topic at <https://www.dnr.state.rn.us/invasives/terrestrialanimals/earthworms/index.html>). Under Wisconsin's invasive species rule (Wis. Adm. Code ch. NR 40), exotic earthworms of the genus *Amyntas* are classified as restricted species, making it illegal to transport, transfer, or introduce these worms in Wisconsin (See Wisconsin DNR's fact sheet on *Amyntas* earthworms at <https://dnr.wi.gov/topic/Invasives/fact/jumpingWorm/index.html>). As with Minnesota and Wisconsin, Alaska is vulnerable to invasion by nonnative earthworms, but in Alaska these worms have not yet been spread to most of the state.

One of the main ways that *Lumbricus* earthworms are moved to previously *Lumbricus*-free areas in Alaska is through their use as live bait and dumping of unused bait. These worms do not disperse much on their own. If they are not moved by people then it will take them hundreds to thousands of years, if ever, to spread to areas of Alaska currently free of these worms. If this proposed change is not adopted, then *Lumbricus* worms will continue to be brought to new areas in Alaska, where they will substantially alter natural systems.

Alternative species of earthworms are readily available that could be used as fishing bait in Alaska with far less risk to Alaska's natural systems. Examples of safer alternatives include *Bimastos rubidus*, an earthworm species native to Alaska, and the popular vermicomposting worms *Eisenia andrei* and *Eisenia fetida*, which are not cold tolerant.

PROPOSED BY: Matt Bowser

(Formerly ACR 11)

PROPOSAL 284

5 AAC 57.120. General provisions for seasons, bag, possession, annual, and size limits, and methods and means for the Kenai River Drainage Area.

Amend the size limit for Kenai River early-run king salmon from 36 inches to 34 inches to be consistent with the size limit in the *Kenai River Late-Run King Salmon Management Plan*, as follows:

(a) Unless otherwise specified in 5 AAC 57.121 -5 AAC 57.123 or by an emergency order issued under AS 16.05.060, the following are the general seasons, bag, possession, annual, and size limits, and methods and means that apply to sport fishing for finfish in the Kenai River Drainage Area:

....

(2) king salmon 20 inches or greater in length, as follows:

(A) may be taken only from January 1 – July 31, in the Kenai River from its mouth upstream to an ADF&G regulatory marker located at the outlet of Skilak Lake, with a bag and possession limit of one fish, as follows:

(i) from January 1 – June 30, from its mouth upstream to an ADF&G regulatory marker located at the outlet of Skilak Lake, and from July 1 – July 31, from an ADF&G regulatory marker located approximately 300 yards downstream from the mouth of the Slikok Creek upstream to an ADF&G regulatory marker located at the outlet of Skilak Lake, only king salmon that are less than 34 [36] inches in length as measured from tip of snout to tip of tail may be retained;

What is the issue you would like the board to address and why? Provisions added to the *Kenai River Late-Run King Salmon Management Plan* by the board at the February Upper Cook Inlet meeting included an option for the department to allow harvest of king salmon less than 34 inches. Amending the language referenced in the early-run plan would add regulatory consistency between early and late runs. This length is also consistent with the size separation for the “large fish” escapement goal measured at the king salmon sonar project.

PROPOSED BY:

Alaska Board of Fisheries

(formerly BGP #2 adopted at the 2020 Upper Cook Inlet Finfish meeting)
