

Miscellaneous Subsistence, Sport, Personal Use Shellfish (9 proposals)

Dungeness (3 proposals)

PROPOSAL 263

5 AAC 02.315. Subsistence Dungeness Crab Fishery.

Open the Cook Inlet subsistence Dungeness crab fishery, as follows:

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 Dungenous crab, we propose opening the subsistence Dungenous crab fishery at a very small-scale with the following provisions:

- (1) male Dungenous crab may be taken only from July 1st through September 30th
- (2) before harvesting Dungenous crab, a person must obtain a subsistence permit; upon taking Dungenous crab, and before concealing the Dungenous crab from plain view or removing the Dungenous crab from the fishing site, the person must enter the catch information requested on the permit;
- (3) the daily bag and possession limit is five male Dungenous crab and the seasonal limit is 40 male Dungenous crab;
- (4) only male Dungenous crab six inches or greater in width of shell may be taken or possessed (or whatever size the department defines as a legal mature male in Lower Cook Inlet); no more than one pot or ring net per person with a maximum of three pots or rings net per vessel may be used to take Dungenous crab.

***We are requesting a summer Dungenous crab fishery because we consulted with knowledge bearers in Port Graham and Nanwalek and they have traditionally only harvested Dungenous crabs from July-Sept because 1) The Dungenous crab come closer to shore to feed on pink salmon eggs/carcasses and generally feed in shallower waters during this time and 2) the waters are safer for the smaller skiffs these communities own and are only able to drop crab pots during these months.**

What is the issue you would like the board to address and why? Section 5 AAC 02.315 - Subsistence Dungeness crab fishery

In the Cook Inlet Area, a person may not take Dungeness crab for subsistence purposes.

This fishery has been closed since 1998 but continues to be a very important subsistence resource for the Lower Cook Inlet Tribes: Specifically Nanwalek and Port Graham. These two small, remote Alaska Native communities that are in subsistence zoning and off the road system would like the opportunity to try and harvest Dungenous crab for subsistence purposes. There is limited data and information on the Dungenous crab population in Lower Cook Inlet. The last year Dungenous crab surveys were conducted is 2009 by the department. Currently the state has no program to assess Dungenous crab abundance, as stated by ADFG Fish Biologist Jan Rumble during her report of proposal 260 at the Cook Inlet, Kodiak, Westward, Arctic Shellfish and Shellfish General Provisions, and Prince William Sound Shrimp Board of Fish meeting (March 26 - April 2, 2022). Ms. Rumble also stated at this meeting that “the board should consider reopening a subsistence fishery before opening a commercial fishery for Dungenous crab in the Cook Inlet Southern

Region” (03/29/22 meeting audio records). The subsistence Dungenous crab fishery is currently closed mostly due to a lack of survey information, but there was consideration at the same Statewide Shellfish Board of Fish meeting from past Board Member Israel Payton who stated that “even before these potential surveys get done, if the department feels they want to do some exploring a little, it's up to the board but issuing subsistence permits through a strict permit tracking progress would be one way to gather some citizen science, and I would be supportive of that moving forward” (03/29/22 meeting audio records).

Since this board of fish meeting in 2022, the department has made no progress towards applying for grants with Chugach Regional Resources Commission (CRRC) as a partner to conduct Dungenous crab surveys in the Lower Cook Inlet, as proposed by the department as a solution during the 2022 meeting. CRRC is an organization that supports and protects the subsistence resources of Port Graham and Nanwalek, and we have limitations to our capacity to apply for grant funding for every subsistence resource. Therefore, we strongly agree with Mr. Payton that issuing subsistence permits that would collect data on the Dungenous crab fishery would be an efficient and effective way to fill in data gaps and inform the department with harvest data on the Lower Cook Inlet Dungenous crab population. We have spoken with the Chiefs and community members of Port Graham and Nanwalek to learn more about the local and traditional knowledge of the Dungenous crab populations in English Bay and Port Graham Bay. The Native Village of Nanwalek has reported an abundance of mature Dungenous crab returning to the shallow waters of English Bay. The Native Village of Port Graham reported that they are not seeing Dungenous crabs in the shallow waters near their beaches like they used to. Both communities have a long history of harvesting Dungenous crabs for subsistence use. Nanwalek and Port Graham would both like to have the regulations changed to open the Cook Inlet subsistence Dungenous crab fishery under specific guidelines, as listed below in question 3. Both communities are committed to participating in citizen science programs to collect survey data (e.g. size, sex, location) on Dungenous crabs to inform fisheries management in collaboration with Chugach Regional Resources Commission

Did you develop your proposal in coordination with others, or with your local Fish and Game Advisory Committee? Explain. We talked and worked with the Native Village of Port Graham and Native Village of Nanwalek. Chugach Regional Resources Commission worked with the ADFG Division of Subsistence to conduct subsistence household surveys in Port Graham where we asked household members questions about subsistence use of the Dungenous crab resource in Port Graham Bay (Jan 22-26,2024). CRRC also hosted a Board of Fish Proposal Writing workshop in Cordova (Feb 27-28, 2024) where the second Chief of Nanwalek and Nanwalek Tribal Members attended and discussed this proposal as a group.

PROPOSED BY: Chugach Regional Resources Commission (HQ-F24-075)

PROPOSAL 264

5 AAC 58.022. Waters; seasons; bag, possession, annual, and size limits; and special provisions for Cook Inlet – Resurrection Bay Saltwater Area. Regulation language goes here.

Allow harvest of Dungeness crab in the Cook Inlet sport Tanner crab fishery, as follows:

This would give a limited harvest opportunity for large male dungeness.

What is the issue you would like the board to address and why? Modify Cook Inlet sport Tanner crab. Limited fishery bag limit to include Dungeness crab at no more than one legal crab 7 inch male day and a total of five per season limit.

Did you develop your proposal in coordination with others, or with your local Fish and Game Advisory Committee? Explain.

PROPOSED BY: Thomas Hagberg (HQ-F24-116)

PROPOSAL 265

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

Establish season, bag, possession, annual, and size limits, and methods and means for Dungeness crab in Cook Inlet – Resurrection Bay, as follows:

Dungeness Crab: October 1 – February 28; bag and possession limit of 1 male crab, annual limit of 5 male crab; minimum size of six and one-half inches; no more than 1 pot or ring net per vessel.

What is the issue you would like the board to address and why? The Dungeness sport fishery has been closed many years without any recent surveys done in many years. Many of us that fish the Tanners out of Kachemak Bay have been seeing good numbers of Dungeness in our pots as well. A small opening for Dungeness crab could give people another harvest opportunity while also giving fish and game some insight on the stock of the fishery. This opening would mirror the Limited Tanner Crab opening for Cook Inlet and North Gulf Coast. It could be its own sport permit or just added to the Tanner Crab permit. This would make enforcement and ease of implementation quite simple. The Tanner crab harvest records since 2017 have been around 6k to 8k crabs. Predicting similar effort in the Dungeness fishery you could expect harvest levels to be around 1500 to 2000 crab.

Did you develop your proposal in coordination with others, or with your local Fish and Game Advisory Committee? Explain.

PROPOSED BY: Josh Wickboldt (EF-F24-105)

Tanner (3 proposals)

PROPOSAL 266

5 AAC 77.010. Methods, means, and general restrictions.

Allow additional gear types in the personal use crab fishery, as follows:

crab may be taken only with pots, ring nets, diving gear, dip nets, hooked or hookless handlines, **CRAB LOOP TRAPS "SNARES", FOLDABLE CRAB NET**, or by hand; **A LINE ATTACHED TO A POLE OR ROD MAY BE USED TO REEL OR CAST CRAB GEAR.** [A LINE ATTACHED TO A POLE OR ROD MAY BE USED IN THE BERING SEA ONLY WHEN FISHING A LINE THROUGH THE ICE];

What is the issue you would like the board to address and why? "crab may be taken only with pots, ring nets, diving gear, dip nets, hooked or hookless handlines, or by hand; a line attached to a pole or rod may be used in the Bering Sea only when fishing a line through the ice;"

The restriction on gear types for crabbing is unnecessarily restrictive and eliminates ethical methods of take that are utilized in other states. Crab snares and foldable crab nets allow for the take of crabs without posing harm to crab populations or pose a significant risk of continued catch if gear is unrecoverable. Many Alaskans own a fishing rod, but not a boat. Widening the regulations would allow for increased access to crabbing as both a hobby and as a source of food.

Did you develop your proposal in coordination with others, or with your local Fish and Game Advisory Committee? Explain. I did not, hence the need for editing.

PROPOSED BY: Zach Taylor (EF-F24-040)

PROPOSAL 267

5 AAC 35.408. Registration Area H Tanner crab harvest strategy.

Modify the noncommercial Tanner crab fishery thresholds, as follows:

5 AAC 35.408 is amended to read:

...

(d) The noncommercial Tanner crab fisheries in the Cook Inlet Area will be managed as provided in **5 AAC 58.022(a)(11)(A)** [5 AAC 58.022(11)(A)] and 5 AAC 02.325(a) 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 percent of legal male Tanner crab abundance managed under this section.

The noncommercial Tanner crab fisheries in the Cook Inlet area will be managed as provided in **5 AAC 58.022(a)(11)(B)** [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 percent of legal male Tanner crab abundance managed under this section.

What is the issue you would like the board to address and why? Current regulations for the noncommercial Tanner crab fisheries require three years of trawl survey data to be used to open the standard noncommercial Tanner crab fishery. The Kachemak Bay trawl survey has not been conducted since 2019. This proposal would provide harvest opportunity directly following a single year of the trawl survey, given a legal male abundance estimate that exceeds the threshold. Only requiring one survey would provide the department with a more cost-effective approach to providing additional subsistence and sport harvest opportunity for Tanner crab.

PROPOSED BY: Alaska Department of Fish and Game (HQ-F24-180)

PROPOSAL 268

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

Prohibit harvest of Tanner crab from a charter vessel, as follows:

Stop allowing commercial operators to include Tanner crab access as part of their service. No commercial charter or related commercial activity type will be allowed to transport persons for the purpose of harvesting Tanner crab in Kachemak Bay or Cook Inlet and their surrounding waters.

Add a new section: A person may not harvest Tanner Crab from a sport chartered vessel.

What is the issue you would like the board to address and why? I'm concerned about the excess pressure on tanner crab in Kachmak Bay and Cook Inlet due to Charters selling combo fishing trips while also including Tanner crab access. Unnecessary commercial pressure is being applied to this fishery because of this type of access. This crab fishery was closed for several years due to lack of mature crab and it seems unrealistic to encourage and allow access from commercial charter boats and any other commercial access providers. I would encourage you to limit all types of commercial access to this subsistence/sport Tanner crab fishery. It appears non-residents are increasingly participating in the fishery is likely due to charger provide access.

Did you develop your proposal in coordination with others, or with your local Fish and Game Advisory Committee? Explain. Yes I requested help from Fish and Game for assistance with the specifics of this proposal.

PROPOSED BY: Dan Green

(EF-F24-012)

Razor Clam (3 proposals)

PROPOSAL 269

5 AAC 58.026. Shellfish harvest recording form required. and 5 AAC 77.507. Shellfish harvest recording form required.

Implement a permit for harvesting razor clams in Cook Inlet sport and personal use fisheries as follows:

5 AAC 58.026 is amended to read:

...

(a) Before harvesting shellfish with pots **or razor clams**, 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 the harvest and catch information requested on 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 during the following season 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.

5 AAC 77.507 is amended to read:

...

5 AAC 77.507. Shellfish harvest recording form required. A person must obtain a personal use shellfish permit described in 5 AAC 77.015, from the department before harvesting shellfish with pots or razor clams in the Cook Inlet Area. Upon taking shellfish and before concealing the shellfish from plain view or removing the shellfish from the fishing site, the person must enter the catch information requested on the personal use permit. A person who fails to comply with the requirements of this subsection or 5 AAC 77.015, including any requirement to return harvest and catch information to the department, may be ineligible to obtain a shellfish harvest recording form during the following season 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? The sport and personal use Cook Inlet razor clam fisheries are concurrent and identical in regulation and managed in unison except that only Alaska residents can participate in the personal use fishery. Because of this, only sport harvest data is collected. Currently, harvest data for razor clam sport fisheries in Cook Inlet is available from the Statewide Harvest Survey (SWHS), but the number of responses for shellfish fisheries in the SWHS has been low, which results in imprecise harvest estimates. Implementing a razor clam harvest reporting form would be consistent with other sport shellfish fisheries such as Prince William Sound shrimp and Cook Inlet Tanner crab and would provide more accurate and timely harvest information. The east Cook Inlet razor clam fishery was closed from 2015 through 2022 and opened in 2023 to a limited fishery in the Ninilchik area, requiring intensive creel surveys to provide timely harvest estimates. A permit would also provide more robust harvest data for the razor clam fisheries open in the remainder of Cook Inlet year-round, which are difficult to monitor given their remote locations in west Cook Inlet. Requiring a permit for harvesting razor clams in Cook Inlet is a precautionary management approach that is appropriate given the decline in Cook Inlet shellfish stocks.

PROPOSED BY: Alaska Department of Fish and Game (HQ-F24-181)

PROPOSAL 270

5 AAC 58.040. East Cook Inlet Razor Clam Sport Fishery Management Plan. and 5 AAC 77.519. East Cook Inlet Razor Clam Personal Use Fishery Management Plan.

Modify the East Cook Inlet Razor Clam Sport and Personal Use Fishery Management Plan, as follows:

5 AAC 58.040(b)(2) is amended to read:

...

(2) if the estimated adult clam abundance is greater than or equal to 50 percent of the average 1989 – 2012 abundance but the population does not meet the criteria outlined in (1) of this subsection, then razor clams may be taken from either July 1 through July 31 or August 1 through August 31 [MAY 1 THROUGH SEPTEMBER 30] and the bag and possession limits are the first 15 [30] clams taken or possessed; the combined harvest rate of the sport and personal use fisheries is not expected to exceed 10 percent of the adult clam abundance.

5 AAC 77.519(b)(2) is amended to read:

...

(2) if the estimated adult clam abundance is greater than or equal to 50 percent of the average 1989 – 2012 abundance but the population does not meet the criteria outlined in (b)(1) of this subsection, then razor clams may be taken from **either July 1 through July 31 or August 1 through August 31** [MAY 1 THROUGH SEPTEMBER 30] and the bag and possession limits are the first **15** [30] clams taken or possessed; the combined harvest rate of the sport and personal use fisheries is not expected to exceed 10 percent of the adult clam abundance.

What is the issue you would like the board to address and why? The East Cook Inlet razor clam management plans were adopted by the Alaska Board of Fisheries at the March 2022 Miscellaneous Shellfish meeting. Razor clam abundance surveys in 2023 estimated adult clam abundances met the threshold to open the limited fisheries outlined in 5 AAC 58.020(b)(2) and 5 AAC 77.519(b)(2). This opening provided an opportunity to assess harvest and effort for the first time in nearly a decade. The department issued a preseason emergency order to ensure a conservative harvest as expected effort was unknown. Resulting harvest estimates from extensive creel surveys during the fishery indicate the current regulations would result in harvest of over 10 percent of the adult clam abundance. These proposed modifications provide a harvest opportunity that is better aligned with a harvest of less than 10 percent of adult razor clam abundance and gives the public and board the opportunity to decide a preference for season.

PROPOSED BY: Alaska Department of Fish and Game (HQ-F24-182)

PROPOSAL 271

5 AAC 58.040. East Cook Inlet Razor Clam Sport Fishery Management Plan and 5 AAC 77.519. East Cook Inlet Razor Clam Personal Use Fishery Management Plan.

Reduce the East side razor clam bag limit, as follows:

When and if we can open a fishery, we need to be very conservative with bag limits.

What is the issue you would like the board to address and why? Reduce the East Side Cook Inlet Sport and Personal Use Razor Clam Limited Fishery Bag Limit to 15 Clams.

Did you develop your proposal in coordination with others, or with your local Fish and Game Advisory Committee? Explain. Yes, Homer AC

PROPOSED BY: Thomas Hagberg (HQ-F24-117)
