Commercial/Subsistence

PROPOSAL 260

5 AAC 32.310. Fishing Seasons for Registration Area H; 5 AAC 32.325. Lawful Gear for Registration Area H; 5 AAC 32.306. Area H Registration; and 5 AAC 32.340. Registration Area H Inspection Points.

Establish a commercial Dungeness crab fishing season in Cook Inlet, modify lawful gear for Dungeness crab in the Southern District and establish lawful gear for Dungeness crab in Cook Inlet. establish Registration Area H as an exclusive registration area for Dungeness crab, and modify Registration Area H inspection points, as follows:

5 AAC 32.310. Fishing Seasons.

Male Dungeness Crab may be taken only as follows:

(1) Southern District:

(A) Subdistrict 1: From 12:00 noon June 1 to 12:00 noon on July 31;

(B) Subdistrict 2: From 12:00 noon June 1 to 12:00 noon on September 30;

(2) In the remaining waters of Statistical Area H, from 12:00 noon June 1 to 12:00 noon on September 30.

[THERE IS NO OPEN FISHING SEASON FOR DUNGENESS CRAB IN THE COOK INLET AREA.]

….

5 AAC 32.325. Lawful Gear.

(a) In the Southern District,

(1) no more than an aggregate of **50** [150] Dungeness crab pots may be operated from a vessel registered to take Dungeness crab;

(2) no more than **25** [50] of the **50** [150] pots described in (1) of this subsection may be operated in Subdistrict 1 from a vessel registered to take Dungeness crab; only a pot with a buoy tag number of 1 – **25** [50] may be operated in Subdistrict 1;

(3) the buoy for each Dungeness crab pot must have an identification tag issued by the department, as follows:

(A) the identification tag must be placed on a buoy that is marked with the ADF&G number of the vessel operating the gear, as required by 5 AAC 32.051;

(B) new identification tags must be obtained annually, before each fishing season;

(C) the department shall issue identification tags before each fishing season; the tags must be uniquely numbered for each registration year;

(D) except as provided in (E) of this paragraph, the department may issue identification tags only to a person who is registering a vessel under 5 AAC 32.020 and only at the time of vessel registration; a person registering a vessel shall apply for identification tags at the department office designated to issue tags; a person who wishes to apply for identification tags may register only one vessel;

(E) the department may issue replacement tags for identification tags lost during the season if the vessel operator submits a sworn statement or affidavit describing how the tags were lost and listing the number of the lost tags;

(4) all crab pot buoys operated under a single ADF&G number must be identically marked and the color and design must be registered with the department before fishing.

(b) In the remaining waters of Cook Inlet no more than 50 pots may be operated in the aggregate.

(1) [(3)] **the buoy for each Dungeness crab pot must have an identification tag issued by the department, as follows:**

(A) the identification tag must be placed on a buoy that is marked with the ADF&G number of the vessel operating the gear, as required by 5 AAC 32.051;

(B) new identification tags must be obtained annually, before each fishing season;

(C) the department shall issue identification tags before each fishing season; the tags must be uniquely numbered for each registration year;

(D) except as provided in (E) of this paragraph, the department may issue identification tags only to a person who is registering a vessel under 5 AAC 32.020 and only at the time of vessel registration; a person registering a vessel shall apply for identification tags at the department office designated to issue tags; a person who wishes to apply for identification tags may register only one vessel;

(E) the department may issue replacement tags for identification tags lost during the season if the vessel operator submits a sworn statement or affidavit describing how the tags were lost and listing the number of the lost tags;

(2) [(4)] **all crab pot buoys operated under a single ADF&G number must be identically marked and the color and design must be registered with the department before fishing.**

(c) No portion of the line attaching a pot or ring net buoy or buoys to the trap or ring may float on the surface of the water at any time, except for that portion of the line connecting the main buoy to any auxiliary buoy or buoys.

….

5 AAC 32.306. Area H Registration. Registration Area H is **an exclusive** [A NONEXCLUSIVE] registration area.

…..

5 AAC 32.340. Registration Area H Inspection Points. The inspection points for Registration Area H are at Homer [SELDOVIA,] and Seward, and at other locations that may be specified by the commissioner.

What is the issue you would like the board to address and why? Dungeness Crab stocks seem to have recovered substantially in Cook Inlet and are now being seen and caught in other fisheries at relatively high numbers. I would like the Board to consider the 4 proposals submitted by me as a group to reopen the limited entry commercial Dungeness Crab fishery in Registration Area H, using the regulation changes as amended as appropriate developing a fishery using size, sex and season restrictions as is done in many other management areas. This fishery would be conducted

as a test fishery reduced to 1/3rd of the former legal gear, become an exclusive fishery and have a shorter season. The open season would also be reduced in much of the area to allow a very conservative fishery to develop to see how the stocks have recovered. The permit holders can be responsible to collect whatever fishery data the department needs such as number of pots, duration of soak and size, sex and number of crab kept and released. Without some sort of starting point this fishery with approximately 100 limited entry permits will never reopen. The fishery is already limited to male Dungeness Crab 6 1/4 inches or greater in shell width. This proposal eliminates ADF&G from traveling to Seldovia where there is no ADF&G office.

PROPOSED BY: Wes Humbyrd (HQ-F20-123, HQ-F20-124, HQ-F20-125, HQ-F20-126)
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PROPOSAL 261
5 AAC 32.050. Lawful gear for Dungeness crab.
Allow use of a ropeless system with submerged buoy in the Dungeness crab fishery, as follows:

5 AAC 32.050. Lawful gear for Dungeness crab.
(c) The use of a pop-up on demand or "ropeless" fishing system using a submerged buoy may be affixed to a crab pot provided the owner/operator registers this system with the Alaska Department of Fish and Game so that applicable gear marking regulations and laws may be enforced.

What is the issue you would like the board to address and why? This is a proposal to allow "On-Demand Pop-up buoy" fishing gear for pot fisheries in Alaska. This would be an important tool for individual pot and trap fishers, adding value to fishing operations by reducing gear and catch loss, and securing fisheries by providing a proactive measure against whale entanglements and reducing stock depletion due to ghost gear.

Advantages of pop-up gear for the fisher
Using an on-demand (i.e. boat commanded) “pop-up” buoy system offers protection from poaching and significantly reduces gear loss. No longer would a pot be pulled only to find an empty trap and stolen catch. This method of fishing would also protect gear from the surface hazards of buoy line cutting, ship entanglements, wildlife entanglements, and damage or gear loss from bad weather and sea conditions such as operating near sea ice. The overall annual gear loss has decreased by more than half in areas where this type of gear is already in use. Pop-up technology offers the reliability of accessing buoys in high-currents where surface buoys may submerge. Therefore, gear access can become more reliable, and fishers in New South Wales have experienced engine hour reductions by as much as 40% to harvest their allotted annual quota.

How On-Demand Pop-Up Gear Works
An "on demand pop-up buoy” system is designed so that the rope and buoy is stored with the pot on the seafloor. The boat uses a transducer to signal the release mechanism and the buoys float to the surface. Only the fishers’ boat and local fishing regulators would have the capability of releasing the buoys to retrieve the pot trap. Enforcement of applicable laws is made possible by a free app for GPS (or virtual) gear marking. Fishers use the app to mark the location of their traps and this information is shared on a limited basis with other fishers to avoid gear conflict while maintaining gear location privacy using a "visibility radius". Enforcement officers have access to

this information for reporting purposes. Enforcement officers can use the same acoustic transducer technology to survey for pot traps in an area. By using this method they can range to an exact location of a pot trap in order to release the buoys for pot trap inspection or they can ID the pot traps without pulling them.

On demand pop-up buy systems may be equipped with several codes, and the owning fishers, other fishers and enforcement officers have access depending on the code used:

- An individual code is specific to an individual gear set. It allows a fishers or (if reported) and enforcement officer to range to an individual pop-up buoy and, if desired, release it.
- A broadcast code is common to all or a portion of a fishers pop-up buoy inventory. It releases the pop-up buoy when the boat approaches, but does not support ranging to or identifying gear on the sea floor. The broadcast code is only for use by the owning fisher. Some pop-up buoys (lower cost) may only support the broadcast code. Such devices cannot be ranged to, but may still be identified in combination with virtual gear marking by using a boats sonar system to detect the hard floats.
- A public code allows anyone to identify gear on the sea floor, including its presence, distance and owner. This is useful for fishers to assure that the ground is clear before deploying equipment, and to find equipment that may have moved. It can be useful for fisheries enforcement to identify deployed gear that has not been GPS (virtual) marked and reported.

Implications for Fisheries Enforcement

All pop-up gear can be GPS (virtual) marked using available free or low cost apps for gear mark sharing, and by other means such as web sites or email reporting. The availability of individual, broadcast and public codes is device and manufacturer specific. For regulatory purposes, the widest availability of pop-up technology to fishers is reached if no such code is required and even simple pop-up devices such as Galvanic Timed Releases (GTR) which are available for less than $2 can be used by the fisher. This is the approach taken in both the California spiny lobster fishery and the New South Wales rock lobster fishery. The use of acoustic release and identification codes provides gear locating, gear conflict avoidance and on demand pop-up capabilities to fishers and improved enforcement. But it also limits pop-up availability to the fishing community due to higher cost.

It is noted that in all cases the pop-up buoys should still be marked with the license holder numbers for identification. It is also noted that even 'static' surface buoys do routinely submerge in many areas when the current runs strong. In this sense, on-demand pop-up systems provide enforcement capabilities that exceed those of traditional static buoys. That is, identification is available by GPS (virtual) gear marking and by the acoustic codes even when a buoy is submerged.

Pop-up use in other Jurisdictions

Ropeless is already a legal practice in other fisheries like the California Spiny Lobster and NSW Rock Lobster. A simplistic method of ropeless fishing is used in Ireland and the UK, and other jurisdictions are set to make it the default practice, including the California Dungeness Crab Fishery by 2021.

Commercial availability of pop-up systems and summary of advantages for the pot and trap fishing industry
There are multiple manufacturers and styles of ropeless fishing using submerged buoys commercially available. These technologies should be made available for fishers who can benefit from them most. The business benefits of mitigating marine entanglements, restoring income security by preventing poaching and vandalism, stop gear loss due to ship strikes, rough weather and sea ice, and more reliable gear access in deep water with high currents are all reasons this should be allowable for Alaska fishers.

Without regulatory changes permitting pop-up use, these problems will continue to exist at a high cost to pot and trap fishers. The gear regulations for type, size, maximum soak period etc. of pots and traps will not be affected. Pop-up systems do not replace but enhance and add value, security and flexibility to the gear already in use by harvesters. Allowing the use of this available technology to Alaska fishers can also prevent future closures intended to prevent endangered species. Both California Dungeness and Cape Cod Lobster Fisheries are currently experiencing annual closures brought upon by the enforcement of the Endangered Species Act. By allowing pop-up gear to fishers in Alaska the potential for closures due to possible entanglements is significantly reduced. Fishers in California and Cape Cod along with their government officials are only now beginning the process of learning to use pop-up systems and writing additions to fishing codes, while they do this the fishers are left with closures when they needed this gear available years prior.

The proposed regulatory changes allowing this type of gear would apply to the pot and trap fisheries for shrimp, crabs, lobster, and ground fish. Example additions to the Alaska Administrative Code for lawful gear to allow for ropeless “pop-up” gear are the following:

5 AAC 32.050. Lawful gear for Dungeness crab.
(c) The use of a ropeless fishing system using a submerged buoy may be affixed to a crab pot provided the owner/operator registers this system with the Alaska Department of Fish and Game so that applicable gear marking regulations and laws may be enforced.

PROPOSED BY: Tyler McKinney (EF-F20-106)
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PROPOSAL 262
5 AAC 02.310. Subsistence miscellaneous shellfish fishery.
Reduce the bag limit in the Cook Inlet Area subsistence clam fishery, as follows:

Amend (b)(2)

(b) In the subsistence taking of clams,

…
(2) there are no bag, possession, or size limits for clams, except that for littleneck and butter clams the bag and possession limit is **40** [80] clams of either species or in combination and the minimum legal size is as follows:

…

What is the issue you would like the board to address and why? Hardshell clams (Pacific littleneck clam and butter clam) have declined to historical low abundances throughout Kachemak Bay. Recent monitoring in three subareas (Jakolof Bay, China Poot Bay, and Chugachik Island) has found that densities of legal-sized hardshell clams have declined 94 to 100% from their historical densities in all subareas. Additionally, the recent observed densities of sublegal-sized hardshell clams in these subareas suggests that these stocks will not likely recover soon.

PROPOSED BY: Alaska Department of Fish and Game (HQ-F20-169)
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PROPOSAL 263

5 AAC 31.510. Fishing seasons for Registration Area J.; 5 AAC 31.525. Lawful gear for Registration Area J.; 5 AAC 31.540. Registration Area J inspection points.; 5 AAC 31.590. Kodiak District Pot Shrimp Fisheries Management Plan.; 5 AAC 31.592. Chignik District Pot Shrimp Fisheries Management Plan.; and 5 AAC 31.595. Reporting requirements for shrimp catcher-processor vessels.

Amend Registration Area J commercial shrimp fishery management regulations and allow for department permit authority, as follows:

Repeal and readopt **5 AAC 31.510. Fishing seasons for Registration Area J** as follows:

5 AAC 31.510. Fishing seasons for Registration Area J.

[(A) EXCEPT AS SPECIFIED IN 5 AAC 31.590 AND 5 AAC 31.592, THERE IS NO CLOSED SEASON FOR SHRIMP FISHING WITH POTS.

(B) SHRIMP MAY BE TAKEN BY TRAWLS ONLY AS FOLLOWS:

(1) IN THE KODIAK DISTRICT

(A) IN THE GENERAL SECTION FROM 6:00 A.M. JUNE 15 THROUGH FEBRUARY 28;

(B) IN THE REMAINING SECTIONS ONLY DURING SEASONS ESTABLISHED BY EMERGENCY ORDER;

(2) IN THE CHIGNIK DISTRICT FROM 6:00 A.M. MAY 15 THROUGH FEBRUARY 14, EXCEPT AS FOLLOWS:

(A) THE MITROFANIA ISLAND SECTION IS OPENED AND CLOSED BY EMERGENCY ORDER;

(B) THE IVANOF BAY SECTION IS OPENED AND CLOSED BY EMERGENCY ORDER;

(C) THE KUIUKTA BAY SECTION IS OPENED AND CLOSED BY EMERGENCY ORDER;

(D) THE KUJULIK BAY SECTION IS OPENED AND CLOSED BY EMERGENCY ORDER;

(E) THE CHIGNIK BAY SECTION IS OPENED AND CLOSED BY EMERGENCY ORDER;

(F) IN THE CHIGINAGAK, NAKALIKOK, AND ANIAKCHAK BAY SECTIONS ONLY DURING SEASONS ESTABLISHED BY EMERGENCY ORDER;

(3) IN THE SOUTH PENINSULA DISTRICT FROM 6:00 A.M. MAY 15 THROUGH FEBRUARY 14, EXCEPT AS FOLLOWS:

(A) THE STEPOVAK BAY SECTION IS OPENED AND CLOSED BY EMERGENCY ORDER;

(B) THE UNGA STRAITS SECTION IS OPENED AND CLOSED BY EMERGENCY ORDER;

(C) THE BEAVER BAY SECTION IS OPENED AND CLOSED BY EMERGENCY ORDER;

(D) THE PAVLOF BAY SECTION IS OPENED AND CLOSED BY EMERGENCY ORDER;

(E) THE BELKOFSKI BAY SECTION IS OPENED AND CLOSED BY EMERGENCY ORDER;

(F) THE MORZHOVOI BAY SECTION IS OPENED AND CLOSED BY EMERGENCY ORDER;

(4) IN THE NORTH PENINSULA DISTRICT THERE IS NO CLOSED SEASON;

(5) IN THE ALEUTIAN DISTRICT THERE IS NO CLOSED SEASON EXCEPT AS FOLLOWS:

(A) THE UNALASKA, MAKUSHIN BAY, BEAVER INLET, AND USOF BAY SECTIONS ARE OPENED AND CLOSED BY EMERGENCY ORDER;

(B) REPEALED 6/30/83.

(C) REPEALED 6/30/79.]

(a) Notwithstanding 5 AAC 38.062(a), in Registration Area J, shrimp may only be taken from June 1 through February 28, and only under the terms of a permit issued by the department. In the permit the department may specify

(1) fishing area;

(2) logbook requirements;

(3) biological sample collection requirements;

(4) reporting requirements;

(5) time-period specific harvest limits (trip limits); and

(6) any other conditions that the department determines are necessary for conservation or management of the fishery.

5 AAC 31.525. Lawful gear for Registration Area J is amended to read:

5 AAC 31.525. Lawful gear for Registration Area J.

(a) In Registration Area J, shrimp may be taken with pots, beam trawls, and otter trawls.

(b) [A] A shrimp trawl must be equipped with a rigid finfish excluder device (FED). The FED must consist of a rigid grate with parallel bars spaced not more than two inches apart to exclude all fish and other objects, except those that are small enough to pass between its bars into the cod end of the trawl. The FED in a shrimp trawl must be secured forward of the cod end in a manner that that it precludes the passage of fish or other objects into the cod end without the fish or other objects having to pass between the bars of the FED. The trawl must have an outlet to allow the

escape of fish or other objects that are too large to pass between the bars of the gate. The posterior edge of this escape outlet must be at least as wide as the maximum width of the grate. The escape outlet must extend forward of the grate toward the mouth of the net.

Repeal 5 AAC 31.540. Registration Area J inspection points, as follows:

[5 AAC 31.540. REGISTRATION AREA J INSPECTION POINTS. IN REGISTRATION AREA J, INSPECTION POINTS ARE LOCATED AT KODIAK AND DUTCH HARBOR, AND AT OTHER LOCATIONS THAT MAY BE SPECIFIED BY THE COMMISSIONER.] **Repealed.**

Repeal 5 AAC 31.590. Kodiak District Pot Shrimp Fisheries Management Plan, as follows:

[5 AAC 31.590. KODIAK DISTRICT POT SHRIMP FISHERIES MANAGEMENT PLAN. (A) THE MANAGEMENT PLAN IN THIS SECTION APPLIES TO SHRIMP FISHING WITH POTS IN THE NORTH AFOGNAK, WEST AFOGNAK, AND MAINLAND SECTIONS OF THE KODIAK DISTRICT.]
(B) SHRIMP MAY BE TAKEN ONLY FROM MAY 1 THROUGH FEBRUARY 28, UNLESS CLOSED EARLIER BY EMERGENCY ORDER.
(C) THE GUIDELINE HARVEST RANGE IS 0 - 40,000 POUNDS, WHOLE WEIGHT. NO MORE THAN 15,000 POUNDS, WHOLE WEIGHT, MAY BE HARVESTED FROM AN INDIVIDUAL SECTION FROM MAY 1 THROUGH FEBRUARY 28.
(D) BEFORE OPERATING SHRIMP POTS UNDER THIS SECTION, A PERSON MUST OBTAIN A LOGBOOK PROVIDED BY THE DEPARTMENT. THE LOGBOOK REQUIREMENTS ARE AS FOLLOWS:

(1) THE LOGBOOK MUST BE COMPLETED FOR ALL FISHING ACTIVITY, INCLUDING THE BYCATCH OF FISH AND SHELLFISH TAKEN OTHER THAN SHRIMP;

(2) THE LOGBOOK MUST BE KEPT ON BOARD THE VESSEL WHILE OPERATING GEAR, DURING TRANSITS TO AND FROM A PORT OF LANDING, AND FOR FIVE DAYS AFTER THE CORRESPONDING DELIVERY OF SHRIMP HAS BEEN MADE;

(3) THE LOGBOOK MUST BE MADE AVAILABLE TO A LOCAL REPRESENTATIVE OF THE DEPARTMENT OR PEACE OFFICER OF THE STATE UPON REQUEST;

(4) A PERSON MAY NOT MAKE A FALSE ENTRY IN THE LOGBOOK; AND

(5) A COPY OF THE PAGES OF THE LOGBOOK PERTAINING TO A DELIVERY MUST BE ATTACHED TO THE FISH TICKET DOCUMENTING THE DELIVERY.

(E) DURING THE OPEN FISHING SEASON, SHRIMP POTS LEFT UNATTENDED FOR LONGER THAN TWO WEEKS MUST HAVE BAIT AND BAIT CONTAINERS REMOVED AND ALL DOORS SECURED OPEN.] **Repealed.**

Repeal 5 AAC 31.592. Chignik District Pot Shrimp Fisheries Management Plan, as follows:

[5 AAC 31.592. CHIGNIK DISTRICT POT SHRIMP FISHERIES MANAGEMENT PLAN. (A) THE MANAGEMENT PLAN IN THIS SECTION APPLIES TO SHRIMP FISHING WITH POTS IN THE CHIGINAGAK BAY, NAKALILOK BAY, AND ANIAKCHAK BAY SECTIONS OF THE CHIGNIK DISTRICT.

(B) SHRIMP MAY BE TAKEN FROM ONLY MAY 1 THROUGH FEBRUARY 28, UNLESS CLOSED EARLIER BY EMERGENCY ORDER.
(C) THE GUIDELINE HARVEST RANGE IS 0 - 40,000 POUNDS, WHOLE WEIGHT. NO MORE THAN 15,000 POUNDS, WHOLE WEIGHT, MAY BE HARVESTED FROM AN INDIVIDUAL SECTION DURING A CALENDAR YEAR.
(D) BEFORE OPERATING SHRIMP POTS UNDER THIS SECTION, A PERSON MUST OBTAIN A LOGBOOK PROVIDED BY THE DEPARTMENT. THE LOGBOOK REQUIREMENTS ARE AS FOLLOWS:

(1) THE LOGBOOK MUST BE COMPLETED FOR ALL FISHING ACTIVITY, INCLUDING THE BYCATCH OF FISH AND SHELLFISH TAKEN OTHER THAN SHRIMP;

(2) THE LOGBOOK MUST BE KEPT ON BOARD THE VESSEL WHILE OPERATING GEAR, DURING TRANSITS TO AND FROM A PORT OF LANDING, AND FOR FIVE DAYS AFTER THE CORRESPONDING DELIVERY OF SHRIMP HAS BEEN MADE;

(3) THE LOGBOOK MUST BE MADE AVAILABLE TO A LOCAL REPRESENTATIVE OF THE DEPARTMENT OR PEACE OFFICER OF THE STATE UPON REQUEST;

(4) A PERSON MAY NOT MAKE A FALSE ENTRY IN THE LOGBOOK; AND

(5) A COPY OF THE PAGES OF THE LOGBOOK PERTAINING TO A DELIVERY MUST BE ATTACHED TO THE FISH TICKET DOCUMENTING THE DELIVERY.

(E) SHRIMP POTS LEFT UNATTENDED FOR LONGER THAN TWO WEEKS DURING THE OPEN FISHING SEASON MUST HAVE BAIT AND BAIT CONTAINERS REMOVED AND ALL DOORS SECURED OPEN.] **Repealed.**

Repeal 5 AAC 31.595. Reporting requirements for shrimp catcher-processor vessels, as follows:

[5 AAC 31.595. REPORTING REQUIREMENTS FOR SHRIMP CATCHER-PROCESSOR VESSELS. (A) THE OWNER OR OPERATOR OF A SHRIMP CATCHER-PROCESSOR VESSEL REGISTERED TO TAKE SHRIMP USING POTS IN REGISTRATION AREA J SHALL REPORT, EITHER IN PERSON OR BY RADIO OR TELEPHONE, TO A LOCAL REPRESENTATIVE OF THE DEPARTMENT WITHIN 72 HOURS FOLLOWING THE CLOSURE OF A DISTRICT, SECTION, OR ANY PORTION OF A DISTRICT OR SECTION, THE FOLLOWING INFORMATION:

(1) THE NUMBER OF POUNDS, IN WHOLE WEIGHT, BY SPECIES OF SHRIMP ON BOARD THE VESSEL TAKEN IN ANY SECTION OR DISTRICT; AND

(2) ANY OTHER INFORMATION THE COMMISSIONER DETERMINES IS NECESSARY FOR THE CONSERVATION AND MANAGEMENT OF THE RESOURCE.

(B) IF REQUIRED BY THE COMMISSIONER, THE OWNER OR OPERATOR OF A SHRIMP CATCHER-PROCESSOR VESSEL FISHING IN REGISTRATION AREA J SHALL REPORT THE INFORMATION REQUIRED IN (A) OF THIS SECTION TO A LOCAL REPRESENTATIVE OF THE DEPARTMENT DURING AN OPEN FISHING PERIOD.
(C) THE OWNER OR OPERATOR OF A SHRIMP CATCHER-PROCESSOR VESSEL SHALL COMPLETE A SEPARATE FISH TICKET FOR SHRIMP TAKEN IN EACH DISTRICT WHERE THE VESSEL LANDED SHRIMP.
(D) FOR THE PURPOSES OF THIS SECTION, "CATCHER-PROCESSOR VESSEL" MEANS A VESSEL FROM WHICH SHRIMP ARE CAUGHT AND PROCESSED ON BOARD THAT

VESSEL AND FROM WHICH NO SHRIMP CAUGHT ON OTHER VESSELS WAS PURCHASED OR PROCESSED.**] Repealed.**

What is the issue you would like the board to address and why? Commercial shrimp harvests in Registration Area J peaked in the mid-1970s then declined rapidly. Only marginal harvests have occurred since the mid-1980s. Existing Area J commercial shrimp fishery regulations and management plans are based on an annual stock assessment survey that is no longer conducted and largely reflect a period of high shrimp abundance and productivity that is no longer applicable.

Current Area J shrimp stocks are likely capable of sustaining moderate levels of commercial harvest, but the outdated management structure prevents access to the resource in most areas. Allowing harvest under the authority of a permit issued by the department would enable permit holders to explore for commercially viable concentrations of shrimp and provide the department the ability to collect biological data in the absence of a fishery independent survey.

Additionally, this proposal provides the board and stakeholders an opportunity to discuss:

1) the intent of existing Registration Area J nonpelagic trawl gear closures (5 AAC 39.164) as they relate to shrimp trawl gear; and
2) whether limits on the size of trawl nets used to harvest shrimp are desirable for slowing harvest and promoting access for vessels of all size.

PROPOSED BY: Alaska Department of Fish and Game (HQ-F20-171)

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PROPOSAL 264

5 AAC 32.415. Operation of pot gear for Registration Area J.

Amend regulation requiring operation of Dungeness crab pot gear once within a 14-day period, as follows:

Dungeness pot gear in area J shall be removed from the water at least once within a 30-day period.

What is the issue you would like the board to address and why? I have written numerous letters to the board trying to change this regulation since it was adopted, I feel it passed hastily and needs to be amended from a 14-day period to a 30-day period. A 14-day period is too tight of a timeline to expect fishermen to comply with this regulation. Not to mention, all Kodiak Dungeness fishermen have always fished multi fisheries and 14-days makes it almost impossible to do so.

This proposal was put forward because gear was being left in the water after the fishery closed and even though I don't believe this regulation fixes that, almost all fishermen agree that this regulation is better than other possible regulations. However, 14 days is too short of a time period. So by changing it to 30 days, it gives fishermen a bigger window to comply. Kodiak Dungeness fishermen usually don't wait longer than 30 days anyway because the biodegradable line disintegrates shortly after.

PROPOSED BY: Randy Blondin (HQ-F20-077)
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PROPOSAL 265

5 AAC 32.415. Operation of pot gear for Registration Area J.

Repeal regulation requiring operation of Dungeness crab pot gear once within a 14-day period, as follows:

1-In Area J all pots shall be removed from water at least once within a 14 day period or -2 have all bait and bait containers removed and all doors secured fully open. The problem is we can't get to some of our pots when the weather it too rough and the ground swell makes it impossible as they are near the beach in shallow water. We also have to schedule landings with processors which combined with weather can be a problem.

What is the issue you would like the board to address and why? As the regulation is new I don't think it was needed before, and isn't today either I would like to see it dropped all together.

PROPOSED BY: Jim Smith (EF-F20-098)
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PROPOSAL 266

5 AAC 32.425. Lawful gear for Registration Area J.

Establish Kodiak District Dungeness crab pot limits and restrict concurrent targeting of Dungeness crab and any other commercially harvested species, as follows:

5 AAC 32.415 Operation of pot gear for Registration Area J

a. The following pot limits are in effect in Registration Area J:

1. For vessels equal to or less than 50 feet, no more than 300 – 750 pots may be operated from a validly registered Dungeness crab vessel;
2. For vessels above 50 feet, no more than 500 -750 pots may be operated from a validly registered Dungeness crab vessel.

Note: The Board may choose a single pot limit for all size vessels.

Regarding fishing both Dungeness crab and salmon at the same time, the Board could choose one of two approaches:

a. Any validly registered Dungeness crab vessel for Area J cannot make a commercial delivery of Dungeness crab caught in area J to a registered processor within 7-14 days of a commercial delivery of another commercially harvested species to any registered processor. Conversely, any validly registered Dungeness crab vessel making a delivery of a commercially harvested species that is not Dungeness crab cannot make a delivery of Dungeness crab caught in Area J within 7-14 days of that delivery.

b. (alternative choice) Any validly registered Dungeness crab vessel for Area J cannot have Dungeness crab pots in the water in Area J AND have a salmon seine fishing or deployed from the same vessel.

What is the issue you would like the board to address and why? Kodiak's Dungeness Crab fishery has ebbed and flowed over the past several decades. Recently, the fishery has enjoyed biomass increases and is experiencing a substantial increase in participation. These changes illustrate the need to revisit and, perhaps, increase Kodiak's Dungeness Crab fishery regulations.

A. Without pot limits, the total number of pots deployed in the fishery is increasing exponentially. Smaller operators may be preempted from fishing grounds, larger vessels employing large amounts of pots are likely to dominate what has been primarily a small boat fishery and increased gear conflicts with "homestead fishermen" other gear types are likely to occur. In short, the Kodiak Dungeness Crab fishery cannot sustain an unlimited number of pots being fished from an undefined set of vessels. Remember, this is not a fishery that is limited to entry. Pot limits are an effective tool for limiting fishery effort and maintaining a small boat fleet.

B. The fishing pattern of engaging simultaneously in the Dungeness Crab fishery and another commercial fishery should be reconsidered, especially as the fleet increases in size. Currently, some vessels are primarily salmon fishing during the summer months but pick their Dungeness pots every 14 days, or so, for a "crab trip". (Often with the seine on deck or in the back hold.) Fishing two or more fisheries at the same time disadvantages Kodiak Dungeness crab fishermen that are primarily focused on the Dungeness crab fishery --- both by grounds pre-emption and resource depletion. Changing this rule would increase equity in the fishery.

On the other hand, fishermen frequently need to engage in several fisheries throughout the summer and the issue isn't so much to only participate in one fishery as it is to only be involved in one fishery at the same time. Perhaps the solution is a provision that fishermen engaged in the Kodiak Dungeness crab fishery must observe a delivery window between fisheries or remove gear from one fishery before using the vessel for another fishery. Using a delivery window of 7-14 days or a rule that only one gear type can be in the water at the same time would enable a fisherman to complete a salmon trip, take off their salmon gear, deploy or bait their Dungeness crab pots and continue fishing or remove Dungeness crab pots from the water and then go salmon fishing. In other words, the wait time between fisheries or complete gear removal encourages a single fishery focus and inhibits "double dipping" without eliminating the opportunity to fish in more than one fishery throughout the summer.

PROPOSED BY: Old Harbor Fisheries Committee/Duncan Fields (HQ-F20-068)
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PROPOSAL 267
5 AAC 32.425. Lawful gear for Registration Area J.
Establish South Peninsula District Dungeness crab pot limits, as follows:

Pot limit on Dungeness crab fishery in the South Peninsula District of Area J of no more than 500 pots per vessel and an overall pot cap of 10,000 pots.

What is the issue you would like the board to address and why? Dungeness crab in the South Peninsula District of Area J could be over harvested. Considered limit entry for Dungeness crab fishery, some fishermen do not like it.

PROPOSED BY: George Gundersen (EF-F20-083)

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PROPOSAL 268

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

Adopt a new Tanner crab harvest strategy used to set annual harvest limits in the Kodiak, Chignik, and South Peninsula districts, as follows:

A detailed analysis and recommended harvest strategy scenarios will be provided by the department prior to the March 2021 Statewide All Shellfish meeting.

What is the issue you would like the board to address and why? The Kodiak, Chignik, and South Peninsula Tanner crab stocks are characterized by highly variable and episodic recruitment leading to substantial changes in annual abundance levels. The current harvest strategies were established in 1999 and require minimum mature male crab abundance threshold levels to be met before fisheries can occur. Additionally, minimum section and district GHLs must be met before fisheries can occur.

The analysis in support of the revised harvest strategy will evaluate the effects of updating the survey time series used to establish minimum abundance thresholds, the utility of including female abundance when considering harvest limits for the male only Tanner crab fishery, and the suitability of current minimum GHLs in regulation. The recommended harvest strategy is expected to reduce probability of fishery closures, allow for best application of population estimates, and provide stability for stakeholders.

PROPOSED BY: Alaska Department of Fish and Game (HQ-F20-172)

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PROPOSAL 269

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

Amend regulatory thresholds and establish new management measures for Kodiak District Tanner crab, as follows:

Revise: 5 AAC 35.507(a)(3) "in the Kodiak District, is sufficient to provide a guideline harvest level of [400,000] **100,000** pounds or more as calculated under (d) of this section; or"

Revise: 5 AAC 35.507(a)(4) "[A SECTION OF]the Kodiak District, **cumulative by section**, is sufficient to provide a guideline harvest level of 100,000 pounds or more as calculated under (d) of this section.

New Section: 5 AAC 35.507(c)(4) In the Kodiak District,

[(1) AT LEAST TWO SECTIONS OF THE KODIAK DISTRICT MUST MEET OR EXCEED THE THRESHOLD LEVEL REQUIREMENTS IN (A) OF THIS SECTION BEFORE A FISHERY MAY BE OPENED IN THE DISTRICT:

(2) IN THE SOUTH MAINLAND SECTION, THE FISHERY WILL BE OPEN IF AT LEAST TWO ADJACENT SECTIONS ARE OPEN AND WILL CLOSE WHEN BOTH OF THE ADJACENT SECTIONS ARE CLOSED:]

(1) each management section within the Kodiak Management District that has a surveyed or estimated tanner crab mature male abundance sufficient to provide a guideline harvest level of 10,000 pounds or more as calculated under (d) of this section may open but only if the cumulative District guideline harvest level, as outlined in (4) above, exceeds 100,000 pounds,

(2) Once the threshold amount outlined in (4) above in established, the Department shall identify as "exclusive registration sections" those sections within the District for which the estimated tanner crab mature male abundance is sufficient to provide a guideline harvest level of more than 10,000 pounds but less than 100,000 pounds, and

(3) Fishermen wishing to fish within a Kodiak District exclusive registration section must identify the exclusive registration section when registering the vessel to fish in accordance with the registration requirements of 5 AAC 35.506 (f) above; a vessel that is registered for the Tanner crab fishery in an exclusive registration section of the Kodiak District may not be registered for the Tanner crab fishery in any other section of the Kodiak District during that registration year,

(4) Pot limits will be imposed for all exclusive registration sections of the Kodiak district as follows:

a. at least 10,00 pounds but less than 40,000 pounds, an aggregate of no more than 10 pots may be operated from a validly registered Tanner crab vessel.

b. at least 40,000 pounds but less than 80,000 pounds, an aggregate of no more than 15 pots may be operated from a validly registered Tanner crab vessel.

c. At least 80,000 pounds, an aggregate of no more than 20 pots may be operated from a validly registered Tanner crab vessel.

What is the issue you would like the board to address and why? The regulatory structure for the Kodiak Area (Area J) tanner fishery was developed in about 1998 to restart the fishery after it has been closed for a number of years. We now have an additional 20 years of participation statistics, harvest information and biological data. Consequently, it's time to make structural changes to the fishery.

1. The long-term average mature male abundance of tanner crab, (5 AAC 35.507(4)(g), should be revised based on better and more recent survey and biological information. The Department will need to provide data through the 2020 season. Revised mature male abundance determinations will also adjust the threshold levels (5 AAC 35.507(4)(b)).

2. The current fishery thresholds were established because of concern about the Department's ability to manage the fishery within harvest limits. However, when the fishery was reconfigured in about several innovative regulations helped to limit harvest. Frist was a pot limit of 20 pots and second was the "daytime only" fishery which reduced pot pulls. Also, the past 20 years has shown that the fleet is self-regulating in size based on the available quota and has developed excellent real time reporting of catches with the Department. Consequently, the 100,000 pound threshold in two sections before the fishery opens is no longer needed. Moreover, over the past 20 years we have observed that several sections of the Kodiak District have consistently surveyed at harvest levels above 10,000 pounds but don't reach the 100,000 pound threshold. These pockets of crab, if unharvested, are lost to the fishery. With the revisions regarding section thresholds, (new language below) the Kodiak District's opening threshold would be adjusted to 100,000 pounds cumulatively for all sections and the section threshold to 10,000 pounds. Exclusive section registration would be required for small quota sections and a reduce pot limit established.

3. Conservation of the resource remains the primary focus and concern. However, with lower pot limits and better biological data, the new proposed regulations continue the fishery's existing conservative management – harvest amounts will still be controlled by the same exploitation rate. The proposed regulatory changes simply permit each section within the Kodiak management area with a harvestable surplus of more than 10,000 pounds to be managed as a small part of the District's overall commercial fishery. Conservation is not at risk within each section with the small pot limits and exclusive registration requirements. In other words, the vessels that commits to fish in a section with a quota under 10,000 pounds is willing to fish with fewer pots in recognition of needed conservation and to forego possible larger catches elsewhere.

PROPOSED BY: Old Harbor Fisheries Committee/Duncan Fields (HQ-F20-069)
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PROPOSAL 270
5 AAC 35.525. Lawful gear for Registration Area J.
Amend pot limits for Kodiak District Tanner crab, as follows:

(c) The following pot limits are in effect in Registration Area J:
(1) in the Kodiak District, when the guideline harvest level for C. bairdi Tanner crab is
(A) less than [2,000,000] **2,500,000** pounds, an aggregate of no more than 20 pots may be operated from a validly registered Tanner crab vessel;
(B) at least [2,000,000] **2,500,000** pounds but less than [4,000,000] **5,000,000** pounds, an aggregate of no more than 30 pots may be operated from a validly registered Tanner crab vessel;
(C) at least 5,000,000 pounds [4,000,000 POUNDS BUT LESS THAN 5,000,000 POUNDS,] an aggregate of no more than 40 pots may be operated from a validly registered Tanner crab vessel;
[(D) AT LEAST 5,000,000 POUNDS, AN AGGREGATE OF NO MORE THAN 60 POTS MAY BE OPERATED FROM A VALIDLY REGISTERED TANNER CRAB VESSEL;]

What is the issue you would like the board to address and why? Current Kodiak tanner crab regulations were developed in approximately 1998 after the fishery had been closed for a decade. A number of new concepts were developed that enabled the fishery to reopen. After 20 additional years of experience, some of the regulations put in place in 1998 are no longer needed. One such suite of regulations is the pot limit designations in 5 AAC 35.525(c). The current pot limits reflect a far different fishery from what is in place today. The fleet of today has successfully adapted to a "daylight only" fishery and a 20 pot per vessel limit. The fleet has also been conservatively managed and waited patiently for the tanner crab biomass to improve. The fleet is therefore concerned that if the Kodiak tanner crab biomass improves, current pot limit regulations would allow and, perhaps, encourage vessels that haven't participated in the fishery for the past 20 years to come in and disadvantage the local fleet that has worked so hard to maintain the fishery and the resource.

PROPOSED BY: Old Harbor Fisheries Committee/Duncan Fields (HQ-F20-070)
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PROPOSAL 271
5 AAC 35.525. Lawful gear for Registration Area J.
Reduce size of stretched mesh escape webbing for *C. bairdi* Tanner crab pot gear in Registration Area J except in the Bering Sea District, as follows:

I suggest the board lower the legal escape web size to 6.75" for registration area J, except for the Bering Sea district, which would remain unchanged. The following change would be made to the language of the regulation:

5 AAC 35.525 Lawful gear for Registration Area J (b) (1) (A) Registration Area J, except the Bering Sea District, must have at least one-third of one vertical surface of the pot composed of not less than six and three-quarter inch stretched mesh webbing or have no less than four circular escape rings of no less than five inches inside diameter installed on the vertical surface of the pot;

What is the issue you would like the board to address and why? The legal escape web size for the Kodiak bairdi tanner crab fishery is too large. Presently Kodiak tanner pots are required to have either 1/3 of one vertical panel consist of 7.25" web, or 4 rings with inside diameter of no less than 5". This size of escape web is not effective for harvesting 5.5" tanner crab; too many legal size crab escape (20-30% in my experience). Because of this, almost all fishers use the escape ring option, which results in increased handling and mortality of undersized crab.

PROPOSED BY: Patrick Pikus (EF-F20-041)
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PROPOSAL 272
5 AAC 35.509. Eastern Aleutian District Tanner crab harvest strategy.
Adopt a new Eastern Aleutian District 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 2021 Statewide All Shellfish meeting.

What is the issue you would like the board to address and why? The Eastern Aleutian District Tanner crab harvest strategy relies on annual ADF&G trawl survey abundance estimates to calculate harvest limits. The current harvest strategy was established in 2008 and requires minimum population abundance and management thresholds to be met before fisheries can occur.

This update will revise the regulatory trawl survey time series used to inform fishery openings, establish an abundance-based exploitation rate on Tanner crab, and evaluate the utility of minimum guideline harvest levels (GHLs). Due to funding uncertainty, this harvest strategy revision may also include fishery management options that could be used in the absence of annual trawl survey data.

PROPOSED BY: Alaska Department of Fish and Game (HQ-F20-170)

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PROPOSAL 273

5 AAC 34.425. Lawful gear for Registration Area K.

Allow longlining of pot gear for Registration Area K golden king crab, as follows:

Change the regulations to allow for the longlining of pots in the registration area K golden king crab fishery. The regulation would mirror that for registration area Q. Under 5 AAC 34.425, a new subsection (e) would be added, which would read: '**In Registration area K, pots used to take golden king crab may be longlined. Not withstanding 5 AAC 34.051, a buoy is not required for each pot, but each end of the longline must be marked by a cluster of four buoys. One buoy in the cluster must be marked in accordance with the specifications of 5 AAC 34.051 and include the initials "SL" to identify that the pots are on a shellfish longline. For the purposes of this subsection, "shellfish longline" is a stationary, buoyed, and anchored line with more than one shellfish pot attached.**'

What is the issue you would like the board to address and why? Currently, in the Kodiak area (registration area K) golden king crab fishery, crab may only be harvested with single-set pots (one buoy setup per pot). In the Bering Sea and Aleutian Islands (registration areas O and Q) the longlining of pots for golden king crab is permitted. Due to the deeper-water nature of the fishery, pot longlines are more efficient and result in less gear loss, as demonstrated in the BSAI. Pot longlines should be permitted in other areas where there is a viable golden king crab fishery (such as in area K).

PROPOSED BY: Patrick Pikus (EF-F20-045)

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PROPOSAL 274

5 AAC 39.646. Shellfish onboard observer trainee program qualifications and requirements. Increase minimum training requirements needed for scallop trainee observer candidates, as follows:

5 AAC 39.646 is amended to read:

5 AAC 39.646. Shellfish onboard observer trainee program qualifications and requirements. (a) To qualify as a crab [OR SCALLOP] onboard observer trainee, an applicant must have one of the following:

(1) a Bachelor's 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

(2) a valid National Marine Fisheries Service observer certification; or

(3) other fisheries related education or work experience approved by the department.

(b) In addition to the requirements in (a) of this section, to qualify as a scallop onboard observer trainee, an applicant must possess a valid department crab observer trainee permit or crab observer certification in good standing, except that, if an applicant with a valid department crab observer trainee permit or crab observer certification in good standing is unavailable, a valid National Marine Fisheries Service North Pacific Observer Program certification may be substituted at the discretion of the department.

(c) [(b)] A crab or scallop onboard observer trainee must

(1) have the ability to use a radio for communications; and

(2) be physically able to carry out the duties of an observer and not be incapacitated by chronic or debilitating seasickness.

(d) [(c)] Before an applicant may take the certification examination, the applicant must attend a training course approved by the department that provides instruction in the following subject areas:

…

What is the issue you would like the board to address and why? Alaska commercial weathervane scallop fishery effort and harvest is generally low. During most years 2 to 3 vessels catch and process scallops statewide during seasons that typically range from July through November. All vessels are required to carry an independent onboard observer while fishing. Scallop observers are supplied by third-party observer provider companies with deployment costs paid for by harvesters. Across the range of observer opportunities, most observers tend to work in larger federal observer programs that offer stable employment. Due to the small size and relatively unique timing of the Alaska scallop fishery, recruiting and retaining observers is challenging. Unreliable observer staffing adds to program costs and lost fishing opportunity for harvesters when observers are unavailable.

In addition to the scallop fishery, the department administers an onboard crab observer program that annually deploys around 30 observers in support of Bering Sea/Aleutian Islands rationalized crab fisheries. Scallop and crab observer training and sampling responsibilities substantially overlap and the department offers two crab observer training classes each year. Limiting

recruitment of scallop observers to candidates that previously received department crab observer training should improve data quality, lower costs, and provide stability for scallop harvesters.

PROPOSED BY: Alaska Department of Fish and Game (HQ-F20-173)
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PROPOSAL 275
5 AAC 39.143. Onboard observer certification and decertification.
Extend the observer certification expiration period from 12 months to 18 months, as follows:

5 AAC 39.143 is amended to read:
5 AAC 39.143. Onboard observer certification and decertification.
(i) An onboard observer certification expires as follows:

(1) for a **shellfish** [CRAB] observer who has not functioned as a **shellfish** [CRAB] onboard observer for **18** [12] consecutive months, the onboard observer certification expires; to become recertified after **18** [12] consecutive months of not functioning as a **shellfish** [CRAB] observer, a person must successfully complete all trainee and certification requirements set out in (a), (b), (c), (e), and (f) of this section;

[(2) FOR A SCALLOP OBSERVER WHO HAS NOT FUNCTIONED AS A CRAB ONBOARD OBSERVER FOR 12 CONSECUTIVE MONTHS, THE ONBOARD OBSERVER CERTIFICATION EXPIRES; TO BECOME RECERTIFIED AFTER 12 CONSECUTIVE MONTHS OF NOT FUNCTIONING AS A CRAB OBSERVER, A PERSON MUST SUCCESSFULLY COMPLETE ALL TRAINEE AND CERTIFICATION REQUIREMENTS SET OUT IN (A), (B), (C), (E), AND (F) OF THIS SECTION;] **Repealed**;
What is the issue you would like the board to address and why? Certified observer retention remains low due to unpredictability in shellfish fisheries and short seasonal duration. Lack of flexibility for observer provider companies to deploy observers across fisheries and observer programs throughout the year also contributes to certified observers leaving the shellfish observer program to pursue more predictable and stable employment.

PROPOSED BY: Alaska Department of Fish and Game (HQ-F20-174)
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