

**COOK INLET, KODIAK, WESTWARD, ARCTIC SHELLFISH and SHELLFISH GENERAL PROVISIONS, and PRINCE WILLIAM SOUND SHRIMP PROPOSALS**

*42 proposals*

**Miscellaneous sport**

**PROPOSAL 234**

**5 AAC 75.XXX. New Section.**

Require inseason reporting of non-resident sport fish harvest and effort, as follows:

All non-resident sport fisherman must keep track of a catch and harvest record of all species finfish and shellfish regardless of annual limit status of the species.

**What is the issue you would like the board to address and why?** The Ketchikan Indian Community Tribal Government believes nonresident sport fishermen and their fishing activities are severely data deficient, which has a negative impact on the management of all fisheries in the state of Alaska. It is imperative for these fishermen to report their catch and harvest so that management of our fisheries can use them for future population estimates of the fish abundance and distribution.

**PROPOSED BY:** Ketchikan Indian Community

(HQ-F20-052)

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**PROPOSAL 235**

**5 AAC 39.975. Definitions; and 5 AAC 75.995. Definitions.**

Modify the definition of domicile and include in sport fishing regulations, as follows:

“**domicile**” means the location of a person’s primary residence which allows the person to meet the eligibility requirements for the Alaska Permanent Fund Dividend as defined in AS 43.23.005 (a)(1-7); evidence of domicile includes:

- (A) a statement made to obtain a license to drive, hunt, fish, or engage in an activity regulated by a government entity;
- (B) an affidavit of the person, or of another person who may know of that person’s domicile;
- (C) the place of voter registration
- (D) the location of a residence owned, rented, or leased;
- (E) the location where household goods are stored;
- (F) the location of a business owned or operated;
- (G) the residence of a spouse or minor children or dependents;
- (H) a government to which a tax is paid;
- (I) evidence indicating whether the person has a claimed residence in another location for the purpose of obtaining benefits provided by the government in that location;”

**AS 43.23.005. Eligibility.**

- (a) An individual is eligible to receive one permanent fund dividend each year in an amount to be determined under AS 43.23.025 if the individual
  - (1) applies to the department;

- (2) is a state resident on the date of application;
- (3) was a state resident during the entire qualifying year;
- (4) has been physically present in the state for at least 72 consecutive hours at some time during the prior two years before the current dividend year;
- (5) is
  - (A) a citizen of the United States;
  - (B) an alien lawfully admitted for permanent residence in the United States;
  - (C) an alien with refugee status under federal law; or
  - (D) an alien that has been granted asylum under federal law;
- (6) was, at all times during the qualifying year, physically present in the state or, if absent, was absent only as allowed in AS 43.23.008; and
- (7) was in compliance during the qualifying year with the military selective service registration requirements imposed under 50 U.S.C. App. 453 (Military Selective Service Act), if those requirements were applicable to the individual, or has come into compliance after being notified of the lack of compliance.

**What is the issue you would like the board to address and why?** Alaska has an increasing population of seasonal residents who come to Alaska only during the fishing season or hunting seasons to take advantage of the resources of Alaska. They reside most of the year in another state. Many of these seasonal residents have never been domiciled in Alaska for 12 consecutive months. Some tow or drive an RV to Alaska and lease an area to park their RV on during their temporary stay in Alaska. Some have family and spouses who do not travel with them to Alaska during their visit.

The issue is some of these visitors to Alaska are obtaining Alaska resident hunting and fishing licenses and benefits. They are obtaining an Alaska driver's license and registering to vote in Alaska. They are registering their vehicles in Alaska which has some of the lowest vehicle registration fees in the USA. If they are claiming a resident of a qualified area of the state, they are also permanently registering their vehicle in Alaska and never have to pay a registration fee on that vehicle again.

In past practices of the Alaska Court System, if the person is charged with a false statement on a ADF&G resident license permit, the definition of domicile continually keeps being the deciding factor in court decisions. A person may leave suitcases in a room of a house in Alaska. The court system has determined that this is the start of a person's domicile and after 12 consecutive months, they are eligible for an ADF&G resident license or permit. If a person maintains a yearly space rent at an RV park, that space rent qualifies as a person's domicile. The Alaska Court System does not consider paying resident taxes in another state as a benefit.

So in short reference, a resident of the lower 48 can take vacation time from their job. They can tow their RV to Alaska to their RV park which they have a year lease on a space. They can hunt, sport fish, and subsistence fish for a short time as an Alaska resident. They then can return back to their year round residence with freezers full of Alaskan salmon, halibut, and moose meat to their spouse and family in the lower 48. They do intend to visit their year round leased RV space year after year and repeat the cycle.

Another scenario is a person could come up to a lodge for a vacation in Alaska. During their vacation, they buy a cabin and return almost yearly. They do not buy a resident fishing license in the state which they work and reside in that state for 11 months out of the year. They intend to return most years to the cabin in Alaska. They purchase a resident ADF&G sport fishing license and obtain an Alaska subsistence salmon permit. The person is eligible because they are domiciled in Alaska according to the current definition and the Alaska Court System. When charged for giving a false statement on an ADF&G resident license, the person is found not guilty by the Alaska Court System because the person has been domiciled in Alaska for 12 consecutive months and intends to return to Alaska.

Most residents in Alaska do not comprehend how common of a situation they have in their communities concerning seasonal residents obtaining ADF&G resident benefits. The East Prince of Wales Advisory Committee purchased the ADF&G licensing list for their represented communities. The licensing list showed that several seasonal residents are in fact purchasing resident ADF&G licenses or have a Permanent Identification Card. Some of these seasonal residents can't even correctly pronounce the name of the community they claim to reside in or spell the name correctly. Mostly all of these seasonal residents will use a mail forwarding service such as the UPS Store, a neighbor, or they have a USPS Postal Box with all mail forwarded to their residence in another state.

The definition of "Domicile" under 5 AAC 39.975 and creating a definition of "Domicile" 5 AAC 75.995 as well as other respective applicable administrative codes, needs to be changed to prevent non-residents from obtaining resident benefits. True residents of Alaska are very familiar with the Alaska Permanent Fund and the requirements to be eligible to receive a yearly dividend. Changing the ADF&G Administrative Code's definition of "Domicile" to include meeting the requirements of obtaining an Alaska Permanent Fund dividend will clarify any confusion.

Alaskans will still be able to retire and visit a warm place during the winter months when this definition change is adopted. Alaska will obtain additional funds not only from the increased non-resident license sales, but also from the 3 to 1 dollar matching federal funds through the Dingell-Johnson and Pittman-Robertson funds. Currently a resident sport license costs \$29. Alaska would also receive \$87 of federal matching funds. Total revenue to the state is \$116 for a sale of a resident sport fishing license. If a non-resident sport license is purchased at \$145, Alaska would also receive \$435 in matching federal funds. Total revenue to the state is \$580 for the sale of an annual non-resident sport fishing license.

This change of the definition of "Domicile" will ensure the fish and game resources are for Alaskans. Seasonal and often referred locally as "fake" residents will most likely not meet the definition requirements and have to purchase non-resident licenses in Alaska. The increased licenses revenue will benefit Alaska at a much needed time. The fish and game populations will be better protected for the residents of Alaska as a seasonal "fake" resident will no longer qualify for resident bag limits or subsistence rights.

**PROPOSED BY:** East Prince of Wales Fish and Game Advisory Committee (EF-F20-075)  
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## **PROPOSAL 236**

### **5 AAC 39.975. Definitions. and 5 AAC 75.995. Definitions.**

Modify the definition of domicile and add to sport fishing regulations, as follows:

5 AAC 39.975 & create 5 AAC 75.995-Domicile defined –

““domicile” means the location of a person’s primary residence **which allows the person to meet the eligibility requirements to apply for the Alaska Permanent Fund Dividend as defined in AS 43.23.005 (a)(1-7)**; evidence of domicile includes

- (A) a statement made to obtain a license to drive, hunt, fish, or engage in an activity regulated by a government entity;
- (B) an affidavit of the person, or of another person who may know of that person’s domicile;
- (C) the place of voter registration
- (D) the location of a residence owned, rented, or leased;
- (E) the location where household goods are stored;
- (F) the location of a business owned or operated;
- (G) the residence of a spouse or minor children or dependents;
- (H) a government to which a tax is paid;
- (I) evidence indicating whether the person has a claimed residence in another location for the purpose of obtaining benefits provided by the government in that location;”

AS 43.23.005. Eligibility.

(a) An individual is eligible to receive one permanent fund dividend each year in an amount to be determined under AS 43.23.025 if the individual

- (1) applies to the department;
- (2) is a state resident on the date of application;
- (3) was a state resident during the entire qualifying year;
- (4) has been physically present in the state for at least 72 consecutive hours at some time during the prior two years before the current dividend year;
- (5) is
  - (A) a citizen of the United States;
  - (B) an alien lawfully admitted for permanent residence in the United States;
  - (C) an alien with refugee status under federal law; or
  - (D) an alien that has been granted asylum under federal law;
- (6) was, at all times during the qualifying year, physically present in the state or, if absent, was absent only as allowed in AS 43.23.008; and
- (7) was in compliance during the qualifying year with the military selective service registration requirements imposed under 50 U.S.C. App. 453 (Military Selective Service Act), if those requirements were applicable to the individual, or has come into compliance after being notified of the lack of compliance.

**What is the issue you would like the board to address and why?** Alaska’s Seasonal Residents. Alaska has an increasing population of seasonal residents who come to Alaska only during the summer fishing season or hunting seasons to take advantage of the resources of Alaska.

They reside most of the year in another state. Many of these seasonal residents have never been domiciled in Alaska for 12 consecutive months. Some tow or drive an RV/boat to Alaska and lease an area to park their RV/boat/vehicle on during their temporary stay in Alaska. Some have family and spouses who do not travel with them to Alaska during their visit.

The issue is some of these visitors to Alaska are obtaining Alaska resident hunting and fishing licenses and benefits.

They are obtaining an Alaska driver's license and registering to vote in Alaska. Many of them are obtaining a USPS postal box. They are registering their vehicle's in Alaska which Alaska has some of the lowest vehicle registration fees in the USA. If they are claiming to be a resident of a qualified area of the state, they are also permanently registering their vehicle in Alaska and never have to pay a registration fee on that vehicle again.

Some of them are also fishing and hunting under subsistence regulations.

To establish hunting/fishing residency in Alaska, the applicant doesn't have to prove anything to the license vendor. They simply tell a lie and get their resident license. After enough years have passed and the person reaches 60 years of age, they leverage their now long-standing "resident" status to get a Permanent ID (PID) and never have to worry about it again.

The entire burden of proving non-resident status falls onto the State of Alaska. A resident of the lower 48 can take vacation time from their job. They can tow their boat or RV to Alaska to their RV park which they have a year lease on a space. They can hunt, sport fish, and subsistence fish for a short time as an Alaska resident. Afterwards, they return back to their year round true residence with freezers full of Alaskan salmon, halibut, and moose meat in the lower 48.

They do intend to visit their year round leased RV space year after year and repeat the cycle. Another scenario is a person comes to a lodge for a vacation in Alaska. After they see how great Alaska is and how lenient the residency laws are, they buy a cabin or a plot of land to park their boat on and return almost yearly.

They do not buy a resident fishing/hunting license in the state which they work and reside. They purchase a resident ADF&G sport fishing/hunting license and some obtain an Alaska subsistence salmon permit.

On Prince of Wales, there are many of these seasonal residents in Coffman Cove, Thorne Bay, Hollis, Craig, Klawock, Naukati, Whale Pass, etc. and nearly every town and village in Southeast AK that is reasonably accessible. There seems to be more of them where the property values, moorage rates and taxes are lower for their RV's, plot of land and/or boats.

In Klawock, there are about a dozen that "live" on their boats or their camper/RV's, several others that own houses and/or property, maintain a USPS postal box, pay their rent or utility bill and fish nearly every day while they are here pulling subsistence skates, flooding the bays with crab pots, catching everything they can and taking it all back with them when they leave.

Many of them have larger fishing boats and bring their “friends” from down south while they are here. In Craig, there is a “resident” homeowner that has a large saltwater fishing boat and takes his “friends” fishing nearly every day, all summer long.

In Coffman Cove there are several of these “residents” that also do the same. Many of these seasonal residents set their halibut skate then spend the day fishing for salmon, pulling shrimp pots and crab pots and taking the resources from the real Alaskans.

Look around your community and you will spot these seasonal “residents”.

If you want proof you can check the following:

- public licensing info from Alaska Department of Fish and Game
- public voting records for the State
- Courtview website to see if they have a legal history in the state.
- State of AK recorder’s website to research property records that may show their true residence address down south.
- City office and Harbormaster’s office that often show their true residence address.

These seasonal residents oftentimes are also cheating other states out of taxes claiming they are not residents of that state by using their Alaska DL.

Military personnel who serve in Alaska for three years, become residents, move out of state, yet are able to claim residency for hunting and fishing for the rest of their career. That means they travel back to AK and take advantage of 2DK, resident allocation, license and other benefits even though they don’t live here.

These people are all eligible to do all the above because they are “domiciled” in Alaska according to the current definition and the Alaska Court System.

The state requires acceptable evidence to prove residency consisting of an Alaska DL or an Alaska voter registration card and 12 months of utility bills with an Alaska address. These are all readily obtainable. Anyone can obtain an Alaska DL and a PO Box the same day upon arrival in the state. Registering to vote requires just 1 month of “residency” and a copy of an Alaska DL. Obtaining rent slips and/or copies of utility bills for storing possessions in someone’s home is a low hurdle as well.

Most residents in Alaska do not comprehend how common of a situation they have in their communities concerning seasonal residents obtaining ADF&G resident benefits.

Several members of POW’s AC’s purchased the ADF&G licensing list for the entire state. The licensing list showed that several seasonal residents are in fact purchasing resident ADF&G licenses or have a Permanent Identification Card. Some of these seasonal residents can’t even correctly pronounce the name of the community they claim to reside in or spell the name correctly. Nearly all of these seasonal residents will use a mail forwarding service such as the UPS Store, a neighbor, or they have a USPS Postal Box with all mail forwarded to their real residence in another state.

Currently, the burden of proof rests with the state to prove the seasonal resident is meeting the requirements.

It should be just the opposite, a resident should have to prove to the state that they meet the residency requirements, just like they have to do with the Alaska Permanent Fund Dividend (PFD). For the Alaska State Troopers to make a residency case, they have to spend untold man hours diving into the seasonal residents life. The state funding shortage and their understaffing issues are prohibiting their investigations and judges are tossing the few investigations being brought forth due to the current confusing residency regulations.

When a person is charged for giving a false statement on an ADF&G resident license, the person is found not guilty by the Alaska Court System because the person has been domiciled in Alaska for 12 consecutive months and intends to return to Alaska.

Presently during trial, the courts are presented with evidence by the State to prove the defendants are not residents of Alaska. The law is not clear enough, is confusing, and in many instances makes it difficult for the judge/jury to find beyond a reasonable doubt that the defendant is guilty. We are asking that the statute be changed so that it is a strict liability offense with the same requirements as receiving the PFD.

The requirements for the PFD are well thought out and have been enforceable in the courts. Real residents of Alaska are very familiar with the Alaska Permanent Fund and the requirements to be eligible to receive a yearly dividend. Changing the ADF&G Administrative Code's definition of "Domicile" to include meeting the requirements of obtaining an Alaska Permanent Fund dividend will clarify any confusion. Alaskans will still be able to retire and visit a warm place during the winter months when these changes are adopted.

Changing the definition of "Domicile" under 5AAC 39.975 and creating a definition of "Domicile" 5AAC 75.995 as well as other respected applicable administrative codes, needs to be done to prevent non-residents from obtaining resident benefits.

Currently, it's a broken system that non-residents are abusing. The state is losing hundreds of thousands of dollars and communities are losing its resources/fish/game. The Pittman-Robertson Act is an 11% federal excise tax on all guns and ammunition that provides funding to each state to manage wildlife. The Dingell-Johnson Act is a 10% federal excise tax on sport fishing and boating equipment that provides funding for state fish restoration and management plans and projects. For every dollar the state of Alaska receives from fish and game licenses and tags, these two funds match that dollar with three more, 3:1 for every dollar.

For example, a seasonal resident that stays for more than 14 days, buys a resident annual fishing license for \$29 and also harvests a deer for \$0 should have paid \$145 for a non-resident annual fishing license, \$160 for a non-resident annual hunting license and \$300 for the non-resident locking deer tag.

Their total purchase of \$605 will be matched by \$1815 federal funds for a total of \$2420 paid to the state. The state is losing \$2,391 just on that one seasonal resident. These federal funds specify they cannot be used for anything other than their intended purpose of fish & wildlife restoration/management, so that one seasonal resident is cheating our Alaska Fish & Game Department out of \$2391. If they are just fishing, they paid \$29/license, \$10/king stamp (if fishing for kings.) They should have paid \$145/license, \$100/king stamp, totaling \$245 which will be matched by an additional \$735 federal funds for a grand total of \$980. The state is losing \$824 on every seasonal resident fisherman. If they are a PID, they are losing the full \$980/angler. The money the state is losing to seasonal residents is significant.

They are also fishing under the resident bag limits, allowing them to take one king per day and one lingcod per day all year long instead of the annual bag limits that non-residents must follow. That's a tremendous amount of king salmon and lingcod headed south in freezers. How do you quantify the worth of the fish and game these seasonal residents take from real Alaskans?

Real Alaskan residents see the abuse daily in the summertime, bays choked with crab pots, subsistence halibut skates fished daily and cleaning tables overflowing with fish. The changes we are asking for will ensure the fish and game resources are for real Alaskans. Seasonal and often referred locally as "fake" residents will most likely not meet the definition requirements and have to purchase non-resident licenses in Alaska. The increased licenses revenue will benefit Alaska at a much needed time. The fish and game populations will be better protected for the residents of Alaska as a seasonal "fake" resident will no longer qualify for resident bag limits or subsistence rights.

-We propose changing the ADF&G Administrative Code's definition of "Domicile" to include meeting the requirements of the PFD.

-We propose that all Alaskan residents must meet the requirements of the PFD in order to obtain a resident hunting/fishing/trapping license but a person does not have to apply for the PFD if they so choose.

**PROPOSED BY:** Klawock Fish and Game Advisory Committee (EF-F20-072)  
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**Shrimp**

**PROPOSAL 237**

**5 AAC 55.055. Prince William Sound noncommercial shrimp fishery management plan.**

Provide department authority to deny eligibility to participate in the Prince William Sound noncommercial shrimp fishery if a participant fails to comply with reporting requirements and allow for an appeals process, as follows:

5 AAC 55.055. is amended to read:

...

(a) The department shall manage the sport and other noncommercial shrimp fisheries in the Prince William Sound Area as follows:

(2) a harvest recording form is required as specified in 5 AAC 75.016; **a person who fails to comply with the reporting requirements of this subsection or 5 AAC 75.016,**



**including any requirement to return harvest and catch information to the department, is ineligible to obtain a shrimp 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?** Currently the harvest of nonrespondent permit holders in the Prince William Sound noncommercial shrimp fishery is unknown. Additionally, there is currently no consequence for individuals who fail to report. Reporting of all sport and subsistence shrimp harvest will provide managers with more accurate information to sustainably manage these fisheries. This also provides for an appeal process for those permit holders determined to be ineligible.

**PROPOSED BY:** Alaska Department of Fish and Game (HQ-F20-134)  
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**PROPOSAL 238**

**5 AAC 55.055. Prince William Sound noncommercial shrimp fishery management plan; 5 AAC 31.210. Shrimp pot fishing seasons for Registration Area E; 5 AAC 31.211. Shrimp trawl fishing seasons for Registration Area E; and 5 AAC 02.210. Subsistence shrimp fishery.** Close the commercial and noncommercial shrimp fisheries in Prince William Sound, as follows:

Close shrimping season until mid summer or later.

**What is the issue you would like the board to address and why?** The board should close personal use and commercial shrimp fishing in Prince William sound to minimize the traffic through Whittier and other towns related to this activity which has significant risk of spreading Covid –19. The mandates by the governor should already include this because there should not be any interstate travel or travel to other communities however based off the numbers to the Whittier tunnel this is clearly not being observed. Unless the seasons are closed the mandates are going to clearly be ignored. Articles have been written as to the hi risk of the Whittier Township due to 80% living in one complex. Lives lost are not worth personal use and commercial shrimping in Prince William sound.

**PROPOSED BY:** James Eule (EF-F20-036)  
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**PROPOSAL 239**

**5 AAC 55.055. Prince William Sound noncommercial shrimp fishery management plan. and 5 AAC 02.210. Subsistence shrimp fishery.**

Allow noncommercial vessels to have additional shrimp pots on board, as follows:

5 AAC 55.055. (a) (3) is amended as follows: "(D) Paragraph (C) above shall not be interpreted to prohibit carrying of spare pots."

**What is the issue you would like the board to address and why?** Current regulations prohibit carrying of extra shrimp pots on board a vessel. While making it easy for LE personnel to enforce a pot limit simply by counting the number of pots on a boat, this restriction creates unnecessary hardship on participants in the fishery, flies in the face of common sense (is the ferry captain who hauls 3 boats with shrimp pots on board also guilty?) and also sets up the unknowing/unaware participant to commit a crime by the simple act of "being prepared." "Innocent until proven guilty" is the law of the land; the crime is actually fishing more pots than authorized (not possessing more pots), and this is what should be enforced--the actual act itself, rather than wild speculation or mind-reading as to why a vessel has spare pots.

While engaged in fishing, it is customary for Sport, Subsistence, Commercial and Personal Use participants to carry extra rods, reels, terminal tackle, landing nets, etc., for use in the event of breakage or loss. Shrimp pots also can be lost or damaged, and common sense dictates spares should be readily available. Having spares available is environmentally responsible in that doing so prevents unnecessary trips (usually via a fossil-fueled boat) back to port and/or home/store to procure replacements, reconciles law with common practice regarding spare tackle and ensures participants are able to enjoy productive time on the water.

**PROPOSED BY:** David Neetz

(EF-F20-058)

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### **PROPOSAL 240**

#### **5 AAC 31.214. Shrimp pot guideline harvest level for Registration Area E.**

Modify PWS shrimp pot harvest strategy from a static split, between noncommercial and commercial, to a tiered percentage depending on the total allowable harvest level (TAH), as follows:

I propose a system of three tiers for allocating the guideline harvest level.

- At a total allowable harvest (TAH) of less than 110,000 lbs, the commercial fishery is limited to 30% of the total harvest.
- At a TAH between 110,000 and 200,000 lbs, the commercial fishery is limited to 40% of the total harvest.
- At a TAH greater than 200,000 lbs, the commercial fishery is limited to 50% of the total harvest.

**What is the issue you would like the board to address and why?** The current guideline harvest level (GHL) for the commercial fishery is allocated to be 40% of the total allowable harvest and has a minimum threshold of 110,000 lbs for the commercial fishery to occur. This has worked out reasonably well and the commercial fishery has always been managed to its goals in the years since the reinstatement of the fishery in 2010. The same cannot be said of the sport fishery which has repeatedly gone over its share of the GHL. My primary problem with this arrangement is the fact that the entire burden of conservation is placed on the commercial fishery in times of low abundance. In fact, a low total allowable harvest (below 110,000 lbs) results in the full closure of the commercial fishery, and essentially no restriction on the recreational fishery which is the greater percentage of the harvest. This is not in accordance with general policy of spreading the impacts of restrictions in proportion with a user groups impact on the resource. The commercial

fishery is a very small fishery and a large portion of the harvest is direct marketed or sold to small local processors. One season of total closure and inability to get any product at all would severely disrupt these markets. I would really like to see the board address this imbalance, share the burden of conservation equally between user groups, and allow for some small level of harvest for the commercial sector in times of low abundance in order to provide for economic sustainability of the fishery.

My proposed solution would do this (while still causing the commercial fleet to bear a higher share of the burden of conservation) and maintain the status quo in almost all reasonably expected situations while allowing for the possibility of allowing the commercial fleet to harvest surplus shrimp in the event that populations ever drastically increased. It is worth pointing out that this proposal would have literally had no effect on any season since the commercial fishery was reinstated it is merely an attempt to formulate a better plan for potential changes in TAH in the future.

**PROPOSED BY:** Joseph Person

(EF-F20-064)

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*This proposal will be heard at the Prince William Sound and Southeast meetings and deliberated on at the Statewide meeting.*

**PROPOSAL 241**

**5 AAC 75.995. Definitions; and 5 AAC 39.975. Definitions.**

Define shrimp, as follows:

5 AAC 75.995, 5 AAC 39.975 Shrimp defined: “Shrimp” means a member of the order Decapoda in Alaska to include the shrimp as a whole

**What is the issue you would like the board to address and why?** Currently ADF&G does not have the definition in regulation of what a shrimp is. At the same time, shrimp regulations are imposed with a shrimp either meaning a whole shrimp or a tailed shrimp.

Regulations such as 5 AAC 47.020(16) states the bag and possession limit for shrimp is 3 pounds or three quarts. The regulation does not define if this limit is whole shrimp or shrimp tails. A person would believe a shrimp is defined as a whole shrimp. However the 2019 and 2020 ADF&G Southeast Alaska Sport Fishing Regulations Summary lists the sport shellfish bag and possession limit as 3 pounds or quarts of whole or deheaded (tailed) shrimp.

The amount of shrimp will vary greatly if a person retains 3 pounds of whole shrimp verses 3 pounds of deheaded shrimp. There are regulations referencing shrimp however a shrimp is not defined in regulation. Most species are defined such as “Dungeness crab”, “salmon”, “rockfish”, “char”, “grayling”, and such. With the definition of these species, the bag limits are set per numbers of whole species and not per pound, legs, or the filets of that species.

This proposal is seeking the Board of Fish to define what a “shrimp” is to clarify if a person can retain shrimp as a whole or just the shrimp tails. Currently the limits are set on “shrimp” and the undefined term is being mistaken as meaning a shrimp tail. If this logic is used to other defined

species, a resident in Southeast Alaska could retain 20 gallons of Dungeness crab or 20 gallons of Dungeness crab legs or claws. However, ADF&G set the resident limit in Southeastern Alaska to 20 Dungeness crab.

**PROPOSED BY:** East Prince of Wales Fish and Game Advisory Committee (EF-F20-093)  
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**PROPOSAL 242**

**5 AAC 55.055. Prince William Sound non-commercial shrimp fishery management plan, and 5 AAC 02.210. Subsistence shrimp fishery.**

Establish a minimum threshold of Total Allowable Harvest (TAH) for spot shrimp before allowing a noncommercial fishery in Prince William Sound, as follows:

Add language to the Prince William Sound noncommercial shrimp fishery management plan 5 AAC 55.055 to include the same language as the commercial shrimp regulations in 5 AAC 31.210 which describes the minimum threshold for a fishery to be prosecuted;

"The estimated total allowable harvest for the waters Prince William Sound must be more than 110,000 pounds of spot shrimp by round weight before a non-commercial shrimp pot fishery may be opened."

This minimum TAH threshold for the fishery may be changed as long as it is applied equally for all stakeholders in this resource.

**What is the issue you would like the board to address and why?** Sport fishermen, having the majority of the allocation of PWS Spot Shrimp, without harvest restriction, do not equitably share the burden of stock conservation. This puts at risk the shrimp resource and causes economic damage.

The commercial regulations in 5 AAC 31.214 find it necessary to limit the commercial shrimp fishery for presumed conservation reasons with a minimum threshold for TAH before a fishery opens. The same should apply to sport/PU users, which represent the largest allocation of this resource at 60%. So, if there is a minimum limit of shrimp resource required before harvest by one group, then this minimum threshold for a healthy fishery should apply equally to all groups.

**PROPOSED BY:** Brett Wilbanks (EF-F20-144)  
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**PROPOSAL 243**

**5 AAC 31.235. Closed waters in Registration Area E.**

Amend commercial shrimp pot fishery closed waters boundaries, as follows:

Move NE closure line endpoint from Flent Point to Point Freemantle, allowing fishing in statistical area 476035 while maintaining the Valdez Arm closure to commercial shrimp pot fishing as intended.

**5 AAC 31.235. Closed waters in Registration Area E**

(b) The following waters are closed to the taking of shrimp with pot gear:

(2) waters north of a line from near Point Freemantle at 60 56.30' N. lat., 147 00.00' W. long.

[FLENT POINT AT 60 56.52' N. lat., 147 08.34' W. long.] to a point on Bligh Island at 60 48.96' N. lat., 146 48.96' W. long.,

**What is the issue you would like the board to address and why?** Align area closure boundary with statistical reporting area. Recent climate change has opened water historically covered in glacier ice, allowing fishing in previously inaccessible areas. This also aligns the Valdez Arm closure area with the Eastern PWS commercial pot shrimp fishery boundary.

**PROPOSED BY:** Brett Wilbanks

(EF-F20-030)

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**PROPOSAL 244**

**5 AAC 31.214. Shrimp pot guideline harvest level for Registration Area E.**

Modify annual shrimp guideline harvest level based on fishery performance in the prior season, as follows:

I propose that after the annual guideline harvest level (GHL) for the fishery is biologically determined, then an adjustment to the GHL be made as follows:

If in the previous year there was an overharvest, then the amount of that overharvest (lbs) be deducted from the biologically determined GHL, and the result of that will be the adjusted GHL for the year, that ADFG can manage as best it can to not exceed.

Conversely, if in the previous year there was an underharvest, then the amount of that underharvest (lbs) be added to the biologically determined GHL, and the result of that will be the adjusted GHL for the year.

**What is the issue you would like the board to address and why?** The sport/personal use catch of PWS Spot shrimp has often overharvested the allotted GHL, thereby negatively damaging the resource biomass, placing the future of the shrimp fisheries in jeopardy.

There is currently no penalty for that, and the shrimp biomass continues to be over-exploited. With a history of demonstration of absence of effective in-season harvest management adjustment capability, something should be done about this.

**PROPOSED BY:** Gordon Scott

(EF-F20-145)

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**PROPOSAL 245**

**5 AAC 31.214. Shrimp pot guideline harvest level for Registration Area E.**

Modify annual shrimp guideline harvest level based on fishery performance in the prior season, as follows:

I propose that after the annual guideline harvest level (GHL) for the fishery is biologically determined, then an adjustment to the GHL be made as follows:

If in the previous year there was an underharvest, then the amount of that underharvest (lbs) be added to the biologically determined GHL, and the result of that will be the adjusted GHL for the year.

Conversely, if in the previous year there was an overharvest, then the amount of that overharvest (lbs) be deducted from the biologically determined GHL, and the result of that will be the adjusted GHL for the year.

**What is the issue you would like the board to address and why?** The commercial catch of PWS Spot shrimp has several times significantly underharvested the allotted GHL, which has not allowed them to exploit their full quota.

This is like a penalty, as the shrimp biomass was not allowed to be utilized.

**PROPOSED BY:** Gordon Scott (EF-F20-146)  
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**PROPOSAL 246**

**5 AAC 31.214. Shrimp pot guideline harvest level for Registration Area E.**

Eliminate the commercial shrimp fishery minimum total allowable harvest threshold, as follows:

We recommend removing the language of this threshold requirement for a commercial fishery. (Remove the whole first sentence of section 5 AAC 31.214)

**What is the issue you would like the board to address and why?** The minimum threshold for a commercial shrimp fishery is arbitrary and punitive. The commercial fishery is managed in order to be able to catch and not overharvest the allotted GHL. This threshold simply punishes the commercial fishery and its beneficiaries, laying the whole burden of conservation unfairly on the smaller sector (the commercial sector) of the Prince William Sound Spot Shrimp fishery.

**PROPOSED BY:** Gordon Scott (EF-F20-147)  
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**PROPOSAL 247**

**5 AAC 31.223. Lawful shrimp pot gear for Registration Area E.**

Establish a minimum pot limit to increase pace of the commercial pot shrimp fishery, as follows:

Amend 5 AAC 31.223 to read:

Lawful shrimp pot gear for Registration Area E (e) (1)

(e) Shrimp pots may only be operated as follows:

- (1) the department will announce annually, before the opening of the commercial shrimp pot fishery season, the number of shrimp pots that may be operated from a vessel in the commercial shrimp pot fishery for that season, **a minimum of 50 pots and** not to exceed

100 shrimp pots per vessel; in determining the annual pot limit, the department will consider the

- (A) total number of registered vessels;
- (B) estimated catch per unit of effort; and
- (C) magnitude of the guideline harvest level; and
- (d) harvesting the majority of the guideline harvest level in 2 weeks**

**What is the issue you would like the board to address and why?** Current PWS Spot Prawn fishery management utilizes pot limits as the primary management tool, rather than time. This has resulted in a long drawn out fishery with a very small number of pots that is very difficult to make profitable.

As more participants have come in, the department has reduced the pot limit from the 50 it was at in 2012 to 25 in 2019. Most vessels who participate do not have freezer systems so they must return to port to deliver every three days so having opener lengths longer than 3 days is of little value.

For example: In 2019 the fishery had three openers; April 15th-April 23rd, April 29th- May 7th and May 14th-May 29th. Taking 45 days to harvest 68,100 lbs. by 99 vessels is by no stretch of the imagination a profitable commercial fishery, when the same GHV could be harvested in a shorter time frame with more pots per vessel. This fishery should be managed by reducing time instead of pots with the goal of harvesting the majority of the GHV in two weeks.

**PROPOSED BY:** Cordova District Fishermen United (HQ-F20-024)  
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**PROPOSAL 248**

**5 AAC 31.211. Shrimp trawl fishing seasons in Registration Area E.**

Establish an earlier start date for the commercial shrimp trawl fishery, as follows:

5 AAC 31.211. Shrimp trawl fishing seasons for Registration Area E

In Registration Area E, shrimp may be taken with trawls only from [APRIL 15] **March 15** through August 15 and from September 15th through December 31.

**What is the issue you would like the board to address and why?** The trawl shrimp fishery has been underutilized for a very long time by local residents as many potential participants are mostly busy with salmon fisheries during the majority of the current season. An earlier start date would allow additional participation for local fishermen before salmon fishing begins in May.

**PROPOSED BY:** Cordova District Fishermen United (HQ-F20-027)  
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**PROPOSAL 249**

**5 AAC 31.210. Shrimp pot fishing seasons for Registration Area E.**

Clarify areas open to commercial pot shrimp fishing in the Prince William Sound Area, as follows:

5 AAC 31.210(a)(2) and (a)(3) are amended to read:

- (1) the waters north 60° 40.00' N. lat. and east of 148° W. long.;
- (2) the waters south of those waters described in (1) of this subsection and north and west of a line from 60° 30.00' N. lat., 147° 57.70' W. long., to 147° W. long., **including those waters south of 60° 30.00' N. lat. in Kings Bay and Port Nellie Juan;**
- (3) The waters south of 60° 30.00' N. lat., **excluding those waters in Kings Bay and Port Nellie Juan.**

**What is the issue you would like the board to address and why?** Most of the area in Kings Bay and Port Nellie Juan are a part of Area 2 of the Prince William Sound commercial shrimp pot fishery. However, the current regulation assigns a small southern portion of the bay and port to Area 1. This proposal seeks to clarify in regulation that all of Kings Bay and Port Nellie Juan are part of Area 2, which was the intent when these areas were established.

**PROPOSED BY:** Alaska Department of Fish and Game (HQ-F20-135)  
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**PROPOSAL 250**

**5 AAC 31.210. Shrimp pot fishing seasons for Registration Area E.**

Establish an earlier start date for the commercial shrimp pot fishery, as follows:

Moving the start date earlier would reduce the conflict created by having both the sport fishery and commercial fishery happening concurrently and would allow more opportunity for the local fishermen to participate and diversify their income before salmon season.

5 AAC 31.210. Shrimp pot fishing seasons for Registration Area E. (a) In the waters of the Inside District west of a line from Middle Point at 60° 20.00' N. lat., 147° W. long., north to a point at 60° 40.00' N. lat., 147° W. long., then northeast to the Coast Guard marker light on Goose Island at 60° 42.78' N. lat., 146° 43.63' W. long., to a point on Knowles Head at 60° 41.00' N. lat., 146° 37.50' W. long., shrimp may be taken from [APRIL 15] **March 15th** through September 15, as established by emergency order. Fishing in this area will be rotated on a tri-annual basis between the following waters...

**What is the issue you would like the board to address and why?** The current spot prawn fishery dates prevent many potential participants from being involved. Historically, this fishery opened earlier than April 15th.

**PROPOSED BY:** Cordova District Fishermen United (HQ-F20-025)  
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**PROPOSAL 251**

**5 AAC 31.2XX. New section.**

Establish permit and reporting requirements for shrimp floating processor vessels in the Prince William Sound Area (PWS; Registration Area E), as follows:

**(a) The vessel owner or operator of a floating processor used in the processing of shrimp shall obtain a permit from the department before starting processing operations and comply with all requirements and reporting procedures specified in this section.**

**(b) The vessel owner or operator of a floating processor shall report to the department:**

**(1) the vessel location and any changes in location, by reporting latitude and longitude of vessel;**

**(2) the projected dates that processing will commence, conclude, and resume;**

**(3) at least once per day, for the preceding 24 hours, the permanent ADF&G vessel license plate number of all vessels delivering to the floating processor;**

**(4) the number of vessels making deliveries, the number of deliveries, and the pounds, in whole weight by species of shrimp purchased for each statistical area;**

**(5) at least 24 hours before beginning to unload processed shrimp, the time and place that it will be unloaded; and**

**(6) any other information required by the department for the purpose of conserving and developing shrimp resources.**

**(c) The vessel owner or operator shall allow local representatives of the department to inspect at any time, the vessel's holds, live tanks, freezers, processing areas, and unprocessed shrimp.**

**(d) The vessel owner or operator shall complete a fish ticket for each delivery and submit the tickets to the department within seven days of the delivery.**

**(e) The commissioner may require an onboard observer on a floating processor during processing operations.**

**(f) For the purpose of this section, a "floating processor" means a vessel that purchases or processes shrimp delivered to it by other vessels; in Registration Area E, a floating processor may not operate shrimp gear.**

**(g) If the department determines that a requirement specified in this section is not necessary for conserving and developing shrimp resources, the department may waive or**

**modify that requirement to ensure the conservation and development of the shrimp resources.**

**What is the issue you would like the board to address and why?** There is increasing interest from floating processors to participate in the shrimp pot and trawl fisheries in PWS. The guideline harvest levels (GHLs) in PWS shrimp fisheries are modest and targeted by the department by monitoring landings at ports from each vessel. Floating processors may buy shrimp from multiple catcher vessels, and therefore, the department needs a mechanism for documentation and reporting of landings to floating processors, because they can potentially hold large amounts of shrimp without returning to port. The floating processor can freeze shrimp which allows them to remain at sea for extended periods of time. Daily reporting requirements will aid the department in targeting the GHL in these small fisheries.

Additionally, this proposal would clearly limit the activity of a floating processor to purchasing or processing shrimp from other vessels in PWS and would not allow a floating processor to operate gear in the shrimp fishery. The statewide definition of “floating processor” in 5 AAC 39.130 (o)(12) is interpreted to allow a catcher-processor to also operate as a floating processor and be the first purchaser from other vessels. However, in 5 AAC 39.130 (o)(3) “catcher-processor” is defined as a commercial fisherman who sells or attempts to sell processed or unprocessed fish that were legally taken only by the catcher-processor. By statewide regulation 5 AAC 31.033, a vessel used to tender shrimp may not have shrimp gear or equipment on board and may not be used to fish for shrimp. This proposal would specify what is allowable activity by a floating processor in PWS.

A similar regulation exists for the shrimp fishery in Registration Area A, Southeast Alaska with a definition of floating-processor (5 AAC 31.144); catcher-processor is also defined by Southeast area regulation (5 AAC 31.143). The definition of floating processor in this proposal for PWS clarifies allowable activities.

**PROPOSED BY:** Alaska Department of Fish and Game (HQ-F20-136)  
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**PROPOSAL 252**

**5 AAC 31.033. Tenders for shrimp.**

Allow vessels registered for the commercial shrimp fishery to also tender shrimp, as follows:

Allow vessels that are participating in the fishery to also be used as tender vessels to transport shrimp back to port. Allowing one boat to transport the catch for multiple fishermen back to port every few days would increase quality and drastically improve the profitability of this fishery as every fisherman wouldn't be forced to run their own shrimp to town. It would also enable more access to this resource for local Prince William Sound communities, and enable area residents to purchase directly from local processors.

Draft regulatory language:  
Repeal 5 AAC 31.033 (a)

5 AAC 31.033. Tenders for shrimp.

[(A) A VESSEL USED TO TENDER SHRIMP FOR A VESSEL THAT IS VALIDLY REGISTERED TO TAKE SHRIMP

- (1) MAY NOT HAVE SHRIMP GEAR OR EQUIPMENT ON BOARD; AND
- (2) MAY NOT BE USED TO FISH FOR SHRIMP.]

(b) Before taking shrimp on board the tendering vessel, the operator of the vessel shall register that vessel with a local representative of the department who is located in the registration area, district, or section in which the vessel will be tendering.

(c) Before a vessel used to tender shrimp leaves the shrimp registration area, district, or section, the operator of the tendering vessel shall contact in person, or by radio or telephone, a local representative of the department who is located in the registration area, district, or section and shall state to the representative the amount, in pounds, of shrimp on board the vessel and the vessel's unloading destination.

**What is the issue you would like the board to address and why?** The Prince William Sound spot prawn fishery is too small-scale to make designated tender vessels economically feasible for fishermen. The inability to hold shrimp for more than a few days and the long distance to port has made it very difficult for Cordova processors to be active in this fishery.

**PROPOSED BY:** Cordova District Fishermen United (HQ-F20-023)

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**PROPOSAL 253**

**5 AAC 31.243. Trawl shrimp harvest and reporting requirements in Registration Area E.**

Increase pink shrimp harvest allowance in Prince William Sound, as follows:

Allowing fishermen to retain all the pink shrimp they harvest will allow them to begin working on developing markets for these shrimp, and explore areas with high pink shrimp abundance giving the department information on districts that have not been fished in many years.

5 AAC 31.243. Trawl shrimp harvest and reporting requirements in Registration Area E.

[(A) NO MORE THAN 20 PERCENT, BY WEIGHT, OF THE SHRIMP ON BOARD A VESSEL MAY BE PINK SHRIMP OR OTHER PANDALID SPECIES OF SHRIMP.]

**(a) No more than 20 percent, by weight, of shrimp species other than pink or side stripe may be on board a vessel.**

**What is the issue you would like the board to address and why?** The current regulations make no incentive for fishermen to retain pink shrimp as every other species of shrimp is more valuable. In the 1980's there was a robust fishery for pink shrimp in PWS with harvests of up to 1.3 million lbs. Since then there has been little or no effort in these areas.

**PROPOSED BY:** Cordova District Fishermen United (HQ-F20-019)

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**PROPOSAL 254**

**5 AAC 31.235. Closed waters in Registration Area E.**

Amend closed waters to allow use of beam trawl gear for the harvest of shrimp, as follows:

5 AAC 31.235. Closed waters in Registration Area E.

(a) The following waters are closed to the taking of shrimp with **Otter** trawl gear:

- (1) waters enclosed by a line from Point Whitshed to Point Bentinck, a line from Cape Hinchinbrook Light to Seal Rocks Light to Zaikof Point at 60° 18.48' N. lat., 146° 55.10' W. long., and by a line from a point at 60° 11.00' N. lat., 147° 20.00' W. long. on the northwest side of Montague Island, north to a point at 60° 30.00' N. lat., 147° 20.00' W. long., then east to a point at 60° 30.00' N. lat., 147° 00.00' W. long., then northeast to Knowles Head at 60° 41.00' N. lat., 146° 37.50' W. long.;
- (2) the waters east of a line from Porcupine Point at 60° 44.60' N. lat., 146° 42.10' W. long. in Port Fidalgo to the southernmost tip of Bligh Island at 60° 48.30' N. lat., 146° 47.90' W. long. to the northernmost tip of Bligh Island at 60° 52.90' N. lat., 146° 46.00' W. long. to Rocky Point at 60° 57.00' N. lat., 146° 46.20' W. long.;
- (3) waters of Port Gravina north of a line from Gravina Point at 60° 37.37' N. lat., 147° 15.22' W. long. to Red Head at 60° 40.25' N. lat., 147° 30.22' W. long.;
- (4) waters of Port Valdez north of 61° 01.00' N. lat.

**What is the issue you would like the board to address and why?** Waters of eastern Prince William Sound were closed to all shrimp trawl gear due to worries about protecting crab grounds. I am proposing allowing Beam trawl gear only in this area. Beam trawls due to their lower tow speed and smaller opening size have little impact on none target species. Beam Trawls have been shown in southeast to be able to coexist alongside highly productive crab fisheries for many years. The long distance from Cordova and deep water of western Prince William sound makes participation in this fishery difficult for many boats.

**PROPOSED BY:** Ezekiel Brown (EF-F20-138)  
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**Sport/Personal Use**

**PROPOSAL 255**

**5 AAC 77.518. Personal use clam fishery.**

Close the harvest of littleneck clams and butter clams, as follows:

(2)(B) **littleneck clams and butter clams: no open season; may not be retained or possessed;**  
[THE COMBINED BAG AND POSSESSION LIMIT FOR LITTLENECK CLAMS AND BUTTER CLAMS IS 80 CLAMS AND THE MINIMUM SIZE FOR LITTLENECK CLAMS IS ONE AND ON-HALF INCHES IN LENGTH ACROSS THE WIDEST PART OF THE SHELL; AND FOR BUTTER CLAMS IS TWO AND ONE-HALF INCHES IN LENGTH ACROSS THE WIDEST PART OF THE SHELL;]

**What is the issue you would like the board to address and why?** Hardshell clams (Pacific littleneck clams and butter clams) 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 94–100% 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 in the near future. Based on Statewide Harvest Survey data, the sport harvest of hardshell clams in Kachemak Bay has declined over 90% since 2011.

**PROPOSED BY:** Alaska Department of Fish and Game (HQ-F20-164)  
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**PROPOSAL 256**

**5 AAC 77.518. Personal use clam fishery.**

Modify razor clam bag and possession limit, as follows:

(A) from the mouth of the Kenai River to the southernmost tip of the Homer Spit, the bag limit for razor clams is the first 60 clams [HARVESTED] **taken or possessed** and the possession limit is 120 clams; **in all other waters, the bag and possession limit for razor clams is the first 10 gallons taken or possessed.**

**What is the issue you would like the board to address and why?** There is no bag and possession limit for the razor clam sport or personal use fisheries, except for the fisheries on beaches from the mouth of the Kenai River to the tip of the Homer Spit (east Cook Inlet beaches). In the Cook Inlet-Resurrection Bay area, razor clams primarily occur in east and west Cook Inlet. The east Cook Inlet sport and personal use fisheries have been closed since 2015 due to low abundance of adult clams. West Cook Inlet sport and personal use clam fisheries may only be accessed using boat or aircraft.

In west Cook Inlet approximately 95% of the razor clam harvest occurs in the commercial fishery. From 2017 through 2019, the commercial fishery annual harvest averaged approximately 171,00 lbs and has not reached the guideline harvest level since 2013. The 2016–2018 average west Cook Inlet sport razor clam harvest (37,177) and days fished (1,320) were similar from their historical (1986–2015) harvest (38,324) and days fished (1,397) averages. However, some declines in size and age of the harvest have been observed in both the sport and commercial fisheries.

**PROPOSED BY:** Alaska Department of Fish and Game (HQ-F20-165)  
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**PROPOSAL 257**

**5 AAC 58.0xx and 5 AAC 77.5xx. East Cook Inlet Razor Clam Sport and Personal Use Fishery Management Plan.**

Create a management plan for east Cook Inlet sport and personal use fisheries, as follows:

- (a) **The purpose of this plan is to direct the department in the management of sport and personal use razor clam fisheries in east Cook Inlet from the mouth of the Kenai River to the southernmost tip of the Homer Spit and to establish abundance thresholds for adult clams greater than or equal to 80 mm and stock productivity indices for the fisheries in the Clam Gulch and Ninilchik Areas.**

**(b) In the Clam Gulch Area from the mouth of the Kenai River south to the latitude of 60° 5.54'N. lat.,**

- 1) if the estimated adult clam abundance is greater than or equal to the average 1989-2012 abundance, and adult clam recruitment replaces or exceeds harvest and natural mortality, and the size composition index of the harvest is equal to the 1989-2012 average, then the fisheries will be managed as provided in 5 AAC 58.022 (14)(A) and 5 AAC 77.511 (2)(A). The combined harvest rate of the sport and personal use fisheries are not expected to exceed 20% of the adult clam abundance.**
- 2) if the estimated adult clam abundance is greater than or equal to 50% of the average 1989-2012 abundance but the population does not meet the criteria outlined in (b)(1), then razor clams may be taken May 1 through September 30 and the bag and possession limit is the first 30 clams taken or possessed. The combined harvest rate of the sport and personal use fisheries is not expected to exceed 10% of the adult clam abundance.**

**(c) In the Ninilchik Area from the southernmost tip of the Homer Spit north to the latitude of 60° 5.54'N. lat.,**

- 1) if the estimated adult clam abundance is greater than or equal to the average 1989-2012 abundance, and adult clam recruitment replaces or exceeds harvest and natural mortality, and the size composition index of the harvest is equal to the 1989-2012 average, then the fisheries will be managed as provided in 5 AAC 58.022 (14)(A) and 5 AAC 77.511 (2)(A). The combined harvest rate of the sport and personal use fisheries are not expected to exceed 20% of the adult clam abundance.**
- 2) if the estimated adult clam abundance is greater than or equal to 50% of the average 1989-2012 abundance but the population does not meet the criteria outlined in (c)(1), then razor clams may be taken May 1 through September 30 and the bag and possession limit is the first 30 clams taken or possessed. The combined harvest rate of the sport and personal use fisheries is not expected to exceed 10% of the adult clam abundance.**

**What is the issue you would like the board to address and why?** The east Cook Inlet sport and personal use fisheries have been closed by emergency order annually since 2015 due to low abundance of adult clams. The department has annually surveyed the abundance of razor clams on beaches in Ninilchik since 2011 and Clam Gulch since 2014. These surveys provide estimates of juvenile and adult clam abundances as well as estimates of natural mortality and recruitment. Recruitment of new cohorts of juvenile clams were detected in 2016 through 2019 at both Ninilchik and Clam Gulch beaches. Due to below average growth in 2017 and 2018 and a high natural mortality rate, adult abundances have not significantly improved since those recruitments. It is anticipated that these juvenile clam cohorts will recruit to the adult size at Ninilchik and Clam Gulch over the next few years, but the stock is not likely to rebuild to historical productivity. Currently, there is no management plan to structure razor clam fisheries once the stocks are sufficient to support harvest opportunity. Creating a management plan will allow for public and board input to structure sustainable razor clam fisheries.

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**PROPOSAL 258**

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

Close the harvest of littleneck clams and butter clams, as follows:

(a)(12) littleneck clams and butter clams: **no open season; may not be retained or possessed;** [MAY BE TAKEN FROM JANUARY 1- DECEMBER 31 ; WITH A COMBINED BAG AND POSSESSION LIMIT OF 80 CLAMS; MINIMUM SIZE FOR LITTLENECK CLAMS IS ONE AND ON-HALF INCHES IN LENGTH ACROSS THE WIDEST PART OF THE SHELL; MINIMUM SIZE FOR BUTTER CLAMS IS TWO AND ONE-HALF INCHES IN LENGTH ACROSS THE WIDEST PART OF THE SHELL;]

**What is the issue you would like the board to address and why?** Hardshell clams (Pacific littleneck clams and butter clams) 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 94–100% 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 in the near future. Based on Statewide Harvest Survey data, the sport harvest of hardshell clams in Kachemak Bay has declined over 90% since 2011.

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**PROPOSAL 259**

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

Modify the razor clam bag and possession limit, as follows:

(14)(B) on the remaining beaches of Cook Inlet – Resurrection Bay Area: **the bag and possession limit is the first 10 gallons taken or possessed** [NO BAG, POSSESSION, OR SIZE LIMITS]; all clams taken or possessed must be retained;

**What is the issue you would like the board to address and why?** There is no bag and possession limit for the razor clam sport or personal use fisheries, except for the fisheries on beaches from the mouth of the Kenai River to the tip of the Homer Spit (east Cook Inlet beaches). In the Cook Inlet-Resurrection Bay area, razor clams primarily occur in east and west Cook Inlet. The east Cook Inlet sport and personal use fisheries have been closed since 2015 due to low abundance of adult clams. Participation in the West Cook Inlet sport and personal use fisheries has limited access, requiring large boats or small wheel planes from the Kenai Peninsula.

Currently, west Cook Inlet razor clam stock and fisheries assessments are limited to harvest data. In west Cook Inlet approximately 95% of the razor clam harvest occurs in the commercial fishery. From 2017 through 2019, the commercial fishery annual harvest averaged approximately 171,00

lb and has not reached the guideline harvest level since 2013. The 2016–2018 average west Cook Inlet sport razor clam harvest (37,177) and days fished (1,320) were similar from their historical (1986–2015) harvest (38,324) and days fished (1,397) averages. However, some declines in size and age of the harvest have been observed in both the sport and commercial fisheries.

**PROPOSED BY:** Alaska Department of Fish and Game (HQ-F20-168)

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**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.

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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 is 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 GHs 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 GHs 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 is 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. First 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. Notwithstanding 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).



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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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*Proposal 276 applied only to the 2020-2021 cycle and so is not listed here.*