

RC004 – Substitute Language for Proposal 75

Submitted by Alaska Department of Fish and Game.

PROPOSAL 75 – 5 AAC 35.308. Registration Area E Tanner crab harvest strategy.

Adopt a new Prince William Sound Area (PWS; Area E) Tanner crab harvest strategy to align with new proposed districts, as follows:

5 AAC 35.308 is repealed and readopted to read:

[(a) IF ADEQUATE DATA ARE AVAILABLE, THE DEPARTMENT SHALL ESTIMATE THE ABUNDANCE OF MALE TANNER CRAB IN THE PRINCE WILLIAM SOUND AREA, AND SHALL ESTABLISH A GUIDELINE HARVEST LEVEL FOR LEGAL MALE TANNER CRAB IF THE CURRENT ESTIMATED ABUNDANCE OF TH IS ABOVE THE MINIMUM STOCK THRESHOLD FOR OPENING A FISHERY.

(b) THE COMMERCIAL FISHERY MAY OPEN ONLY IF THE CURRENT ESTIMATED ABUNDANCE OF TH IS GREATER THAN OR EQUAL TO 200,000 CRAB (50 PERCENT OF AH). IF THE COMMERCIAL FISHERY HAS BEEN CLOSED FOR THREE OR MORE CONSECUTIVE YEARS, THEN THE ESTIMATED ABUNDANCE OF TH MUST BE GREATER THAN OR EQUAL TO 200,000 CRAB FOR TWO OR MORE YEARS BEFORE THE COMMERCIAL FISHERY MAY OPEN. THE COMMERCIAL GUIDELINE HARVEST LEVEL WILL BE DETERMINED AS FOLLOWS:

(1) THE GUIDELINE HARVEST LEVEL FOR TL MAY NOT EXCEED 15 PERCENT OF AC(TH) IF AC(TH) IS GREATER THAN OR EQUAL TO 200,000 CRAB, BUT LESS THAN 300,000 CRAB;

(2) THE GUIDELINE HARVEST LEVEL FOR TL MAY NOT EXCEED 20 PERCENT OF AC(TH) IF AC(TH) IS GREATER THAN OR EQUAL TO 300,000 CRAB, BUT LESS THAN 400,000 CRAB;

(3) THE GUIDELINE HARVEST LEVEL FOR TL MAY NOT EXCEED 25 PERCENT OF AC(TH), IF AC(TH) IS GREATER THAN OR EQUAL TO 400,000 CRAB; AND

(4) THE GUIDELINE HARVEST LEVEL FOR LEGAL MALE TANNER CRAB MAY BE REDUCED OR THE COMMERCIAL FISHERY CLOSED, IF THE ESTIMATED COMMERCIAL HARVEST WOULD CAUSE THE ESTIMATED ABUNDANCE OF TH TO FALL BELOW THE MINIMUM STOCK THRESHOLD.

(c) IN THIS SECTION,

(1) "TL" MEANS MALE TANNER CRAB THAT ARE 127 MM (5.0 INCHES) OR GREATER IN CARAPACE WIDTH, WHICH IS THE LEGAL SIZE OF TANNER CRAB ALLOWED TO BE RETAINED FOR HARVEST;

(2) "T_H" MEANS MALE TANNER CRAB THAT ARE 135 MM (5.3 INCHES) OR GREATER IN CARAPACE WIDTH, WHICH WAS THE HISTORICAL LEGAL SIZE OF TANNER CRAB IN THE PRINCE WILLIAM SOUND AREA;

(3) "A_H" MEANS THE AVERAGE HISTORICAL ABUNDANCE OF T_H; A_H IS AN ESTIMATE OF THE BIOMASS THAT WILL PRODUCE MAXIMUM SUSTAINED YIELD;

(4) "AC(T_H)" MEANS THE CURRENT ESTIMATED ABUNDANCE OF T_H.

(5) IF THE COMMERCIAL FISHERY OPENS UNDER THIS SECTION, THE SPORT FISHERY WILL OPEN AS PROVIDED IN 5 AAC 55.022(b)(3)]

(a) In the Prince William Sound Area an estimate of the abundance of historical legal size male Tanner crab (T_H; 5.3 inches or greater in carapace width) for each district will be used to establish a guideline harvest level (GHL) for legal size male Tanner crab (T_L; 5.0 inches or greater in carapace width), if the current estimated abundance of T_H is above the minimum stock threshold for opening a fishery;

(1) the commercial fishery may open in the Northeastern District only if T_H is greater than or equal to 93,300 crab. The GHL will be determined as follows:

(A) the GHL for T_L may not exceed 15 percent of the estimated abundance of T_H if T_H is greater than or equal to 93,300 but less than 139,900 crab;

(B) the GHL for T_L may not exceed 20 percent of the estimated abundance of T_H if T_H is greater than or equal to 139,900 but less than 186,600 crab;

(C) the GHL for T_L may not exceed 25 percent of the estimated abundance of T_H if T_H is greater than or equal to 186,600 crab;

(D) the GHL for T_L may be reduced or the commercial fishery closed, if the estimated commercial harvest would cause the estimated abundance of T_H to fall below the minimum threshold;

(2) the commercial fishery may open in the Central District only if the current estimated abundance of T_H is greater than or equal to 105,000 crab;

(A) the GHL for T_L may not exceed 15 percent of the estimated abundance of T_H if the T_H abundance is greater than or equal to 105,000 but less than 157,500 crab;

(B) the GHL for T_L may not exceed 20 percent of the estimated abundance of T_H if the T_H abundance is greater than or equal to 157,500 but less than 210,000 crab;

(C) the GHL for T_L may not exceed 25 percent of the estimated abundance of T_H if the T_H abundance is greater than or equal to 210,000 crab;

(D) the GHL for T_L may be reduced or the commercial fishery closed, if the estimated commercial harvest would cause the estimated abundance of T_H to fall below the minimum threshold;

(3) the commercial fishery may open in the Southwestern District only if the current estimated abundance of T_H is greater than or equal to 110,500 crab. The GHL will be determined as follows:

(A) the GHL for T_L may not exceed 15 percent of the estimated abundance of T_H if T_H abundance is greater than or equal to 110,500 but less than 165,800 crab;

(B) the GHL for T_L may not exceed 20 percent of the estimated abundance of T_H if the T_H abundance is greater than or equal to 165,800 but less than 221,000 crab;

(C) the GHL for T_L may not exceed 25 percent of the estimated abundance of T_H if T_H is greater than or equal to 221,000 crab;

(D) the GHL for T_L may be reduced or the commercial fishery closed, if the estimated commercial harvest would cause the estimated abundance of T_H to fall below the minimum threshold;

(4) in the Northwestern and Southeastern Districts, if there is adequate data available, the department shall determine if there is a harvestable surplus of Tanner crab for the Northwestern and Southeastern Districts, and either district may open.

(b) In implementing this harvest strategy, the board directs the department to use the best scientific information available and to consider the reliability of estimates of Tanner crab *C. bairdi*, the manageability of the fishery, and any other factors the department determines necessary to be consistent with the sustained yield principle.

(c) For the purposes of this section:

(1) "T_H" means male Tanner crab that are 5.3 inches (135 mm) or greater in carapace width, which was the historical legal size of Tanner crab in the Prince William Sound Area;

(2) “TL” means male Tanner crab that are 5.0 inches (127 mm) or greater in carapace width, which is the legal size of Tanner crab allowed to be retained for harvest in the Prince William Sound Area;

(d) If a commercial fishery opens under this section in any district(s), a sport fishery will open in the same district(s) as provided in 5 AAC 55.022(b)(3).

Note: If Proposal 75 substitute language is adopted, the regulatory language under 5 AAC 55.022(b)(3)(E) will need to be updated to reference **5 AAC 35.308 (d)** (instead of 5 AAC 35.308[(c)(5)]).

5 AAC 55.022. General provisions for seasons, bag, possession, and size limits, and methods and means for the Prince William Sound Area.

5 AAC 55.022(b)(3)(E) is amended to read:

(b) Unless otherwise specified in 5 AAC 55.023, or by an emergency order issued under AS 16.05.060, the following are the seasons, bag, possession, and size limits, and methods and means that apply to sport fishing for shellfish in the Prince William Sound Area:

...

(3) Tanner crab may be taken as follows:

...

(E) the Tanner crab sport fishery will only occur as provided in **5 AAC 35.308(d)** [5 AAC 35.308(c)(5)];