


M E M O R A N D U M

TO: Council, SSC and AP Members

FROM: Jim H. Branson 
Executive Director

DATE: March 21, 1985

SUBJECT: Tanner Crab Fishery Management Plan

ACTION REQUIRED

Review and discuss regulatory proposals before the Council and Board. Give direction to Plan Team on preparation of a plan amendment if necessary.

BACKGROUND

In response to a request for proposals the Alaska Board of Fisheries received numerous regulatory proposals for the 1985-86 Tanner crab fisheries. We've reviewed the proposal package and identified those of mutual Council/Board concern. A summary and a copy of the proposals themselves are provided as items D-1(a) and D-1(b).

The Board acted on these proposals last week in Anchorage (March 20-23). Because of budgeting problems and scheduling conflicts the Board couldn't meet with the Council but a report from the Board will be available at this meeting.

You should review the attached proposals and Board action on them. If the Council determines that changes to the FMP are required, direction to the Plan Team is necessary to begin preparation of the amendment package.

Proposals identified for the 1985 amendment would be placed on the following schedule:

<u>Date</u>	<u>Action</u>
March 29	Council reviews proposals and Board action and identifies proposals for 1985 amendment package.
April 20	Draft decision documents available for public review.
May 22	Final Council decision on amendment package.
June 15	Submit package to Secretary.
December 1	Amendment implemented.

COUNCIL STAFF REVIEW OF TANNER CRAB
PROPOSALS OF MUTUAL BOARD/COUNCIL CONCERN

SOUTHEASTERN - YAKUTAT

Action
Required

I. Seasons

Rule-related
notice

- A. Open the Southeast Alaska Tanner crab season March 1 instead of February 10.

This proposal was submitted to provide for a fishery during better weather conditions and provide optimum quality. Is there data that show that crab quality (i.e. meat content) is a problem early in the season?

Rule-related
notice

- B. Status Quo. 1985 season dates implemented by emergency rule are as follows:

Southeast District - Feb. 10 - May 1
Yakutat District - Jan. 15 - May 15

II. Closure of Registration Areas

Amendment

- A. Require that vessels may not have Tanner crab on board after 24 hours following the Tanner crab closure of southeast portion of Southeastern Management Area.

Two districts (Southeast and Yakutat) Tanner crab fisheries exist in the Southeastern Management Area. Under current regulation, when either one of the these fisheries are closed separately, as is generally done, vessels have 72 hours to land crab in that area. The 24-hour landing requirement is being proposed by ADF&G and ADPS to facilitate enforcement of season closures especially since vessels may continue to fish brown king crab following the Tanner crab closure.

The proposed regulation is confusing. If the Southeast District closes, do vessels operating in the Yakutat District stop fishing? The regulation may read better if written: Require that vessels fishing in the Southeast District, may not have Tanner crab on board after 24 hours following the Tanner crab closure of the Southeast District. If adopted, a plan amendment will be necessary.

III. Lawful Gear

Amendment

- A. In the Southeast/Yakutat Tanner crab fishery, provide that no person or vessel who participates in the commercial fishery for Tanner crab may fish with pots, or store pots in

the water, during 10 days immediately preceding the opening of the Tanner crab fishing season in which the fisherman or vessel commercially participates.

State regulations are confusing on this issue. This proposal would clarify state regulations. Federal regulations may not require change.

- B. Status Quo. During any closed period prior to a Tanner crab season, Tanner crab pots shall either be removed from the water or stored in less than 25f with doors secured open and bait removed.

PRINCE WILLIAM SOUND

Action
Required

I. Registration

Amendment

- A. Require that Tanner crab vessels wishing to fish in Area E (Prince William Sound Management Area) must register prior to October 1.

This regulation is being proposed to discourage the effort in the PWS Tanner crab fishery from expanding beyond the point that the fishery can sustain a reasonable CPUE.

What is the rate of expansion in this fishery? What is a reasonable CPUE? Is it attainable in PWS? Is this a request for limited entry?

None

- B. Status Quo. A vessel must register with NMFS or ADF&G and have a vessel inspection, prior to fishing Tanner crab. There are no deadlines for obtaining a vessel registration certificate, unless a federal permit is to be obtained. Under the FMP, a state registration may be substituted for federal registration.

COOK INLET

Action
Required

I. Registration

Amendment

- A. Provide that the owner or his authorized agent shall register all Tanner crab fishing gear and each Tanner crab fishing vessel for a registration area before taking Tanner crab in that area, except that Tanner crab vessels must be registered for Area E (PWS) before the scheduled opening date of the area, and vessel registration completed six months before scheduled opening date in Area H (CI). Once a vessel has been inspected for Area E (exclusive), and once a vessel has completed registration in Area H (exclusive), its registration may not be voided to take Tanner crab in another registration area.

Amendment

- B. Require that Tanner crab vessels be registered for Area H (CI) 180 days (6 months) prior to the scheduled season opening dates.

These proposals were submitted to prevent last minute decisions as to what area one may fish. Both Area E and A are exclusive registration areas, meaning that participation in one of the Tanner crab fisheries eliminate the fisherman from participating in any other Tanner crab fishery during the registration year. The authors of the proposal believe that the six-month deadline for preseason registration for Cook Inlet would encourage more deliberation and a subsequent reduction in fleet size.

These proposals suggest that exclusive or superexclusive registration does not work. In areas where quotas are small and the fleet fully capitalized, a limit on effort may be necessary.

- C. Status Quo. A vessel must register with NMFS or ADF&G and have a vessel inspection prior to fishing Tanner crab. There are no deadlines for obtaining a vessel registration certificate, unless a federal permit is to be obtained. Under the FMP, a state registration may be substituted for a federal registration.

II. Seasons

Rule-related notice

- A. Open the Tanner crab season in the Southern district at 12 noon November 3 instead of November 1.

This proposal was submitted to discourage the influx of large boats (registered to fish in Cook Inlet exclusive registration area) from fishing in the Southern district before moving to the Kamishak-Central-Barren Islands districts.

Rule-related notice

- B. Status Quo. 1985 season dates implemented by emergency rule are as follows:

Southern District - Nov. 1 - Apr. 30
All other districts - Nov. 1 - May 31

WESTWARD

Action Required

Amendment

I. Description of Districts

- A. Move the northern boundary of the Southeast and Pribilof subdistricts from Cape Newenham (58°39'N latitude) to 58°N latitude.

The NMFS Tanner crab stock assessment program delineates the Bering Sea C. opilio stocks by using 58°N latitude. The proposed change may provide for better stock management.

Given the work required to prepare and implement a plan amendment, wouldn't it be easier to change the survey boundary so it conforms to the boundary used in management?

None

- B. Status Quo. Northern boundary of the Southeast and Pribilof subdistricts is the latitude of Cape Newenham (58°39'N latitude).

Amendment

- C. Move the southern boundary of the Northern subdistrict of the Bering Sea district to the south of 57°N latitude, instead of the latitude of Cape Newenham (58°39'N latitude).

The submitted justification for the proposal states that marketable size crab are only found in a small area of the Northern subdistrict and during the season, the large crab move south out of the district. If the Pribilof (the southern district) area is closed, then this fisherman claims that large crab are hard to find north of 58°.

None

- D. Status Quo. Southern boundary of the Northern subdistrict would remain at the latitude of Cape Newenham (58°39'N latitude).

II. Seasons

Rule-related notice

- A. Change the opening date of the Tanner crab season in the Chignik and South Peninsula districts to November 15 if the areas are designated an exclusive registration area.

The justification accompanying this proposal claim that the weather in the Chignik and South Peninsula areas makes fishing extremely hazardous during January and February. November is apparently a better month for fishing, but if the districts remain non-exclusive, the authors of this proposal stress the importance of coinciding the opening date in these districts with the other non-exclusive districts in the Westward area.

Rule-related notice

- B. Establish opening dates for the Tanner crab season according to the following schedule:

<u>Area J Districts</u>	<u>Bairdi and Opilio Opening Dates</u>
Northern	January 15
Pribilof	January 15
Southeastern	January 15
W. Aleutians	November 1
E. Aleutians	January 15
South Peninsula	January 15
Chignik	January 15
Kodiak	January 15

This proposal is being submitted to provide for a coordinated season opening throughout the westward area.

Last year a similar set of opening dates were adopted for the same reason. Why is a change needed? What is wrong with the dates adopted last year?

Rule-related
notice

C. Status Quo. 1985 season dates implemented by emergency rule are as follows:

<u>Area J. Dist</u>	<u>Opening Date</u>	<u>Registration Area</u>
Northern	Jan. 15	non-exclusive
Pribilof	Jan. 15	non-exclusive
Southeastern	Jan. 15 ^{1/}	non-exclusive
W. Aleutians	Nov. 10 ^{1/}	non-exclusive
E. Aleutians	Jan. 15 ^{2/}	non-exclusive
S. Peninsula	Jan. 15 ^{2/}	non-exclusive
Chignik	Jan. 15 ^{2/}	non-exclusive
Kodiak	Jan. 15	non-exclusive

1/ Proposal B requests changing this date.

2/ Proposal A requests changing this date if the area is designated an exclusive registration area.

STATEWIDE

Action
Required

Amendment

I. Observer Program

- a. An observer program is proposed under which an individual authorized by either the Department of Public Safety or the Department of fish and Game may be stationed aboard a fishing vessel, tender or processor while that vessel:
 1. is within the territorial waters of Alaska;
 2. is taking or attempting to take any species of fish subject to the Alaska Board of Fisheries regulations.
 3. is transporting or processing any species of fish subject to the regulations of the Alaska Board of Fisheries.
- b. The Department of Public Safety or Fish and Game may acquire observers for the program through contract with qualified private persons.
- c. The observers while aboard the vessel shall carry out such scientific and other functions as deemed necessary or appropriate to manage, protect, maintain, improve, and extend the fish and aquatic plant resources of the state in the interest of the economy and general well-being of the fisheries resources.

With the increasing shift of processing from shore based plans to catcher/processors and floating processors, a regulation is needed which would allow for the safe boarding of fishing vessels and processing vessels on the grounds.

These vessels could be boarded for the purpose of insuring that they are complying with size, sex, and species restrictions in the fishery in which they are participating. This regulation is not intended to allow a warrantless search of a vessel but rather to ensure that vessels are properly licensed, comply with gear restrictions and that the fishery resource being taken meets the size, sex and species requirements. An Intent to Search would be appropriate when anything other than the vessel's licenses are checked. This regulation is similar to the Federal Commercial Fishing Regulation found in 50 CFR Part 671.6 which allows for the boarding of fishing vessels. Under the definition of "local representative of the department" found in 5 AAC 39.975(a) this regulation would apply to an employee of the Department of Public Safety.

The Department of Fish and Game will report on the status of a bill that is to be presented to the Legislature that, if passed, will provide clear authority to permit on-board observers to be placed on catcher/processors, floating processors, and other types of fishing vessels. The Board and the Department would appreciate input from the public on aspects of the programs, particularly which fisheries need this type of coverage and the type of regulatory structure that should be adopted to govern the activities of those vessels that may be covered by the program.

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PROPOSAL #40 - 5 AAC 34.125, LAWFUL GEAR. In Southeast Alaska, provide that king crab gear must be removed from the water within seven days of a season closure except during the time between the king crab fishery and brown and tanner crab fishery, and in certain areas where no conflict exists with other fisheries; king crab pots may be stored in waters 15 fathoms or less, and that cone and pyramid pots in this stored condition will have the vertical cotton strip removed or tunnel sealed.

JUSTIFICATION: First of all Southeast Alaska is the only area in the state that does not allow water storage of crab gear after the season. The fleet that fishes Southeast is made up primarily of small combination vessels of gillnet and seiner size that can only carry a fraction of the gear limit aboard at one time. No water storage means these vessels must make several uneconomical trips hauling gear to and from the fishing grounds for the king crab fishery and 2 months later do it all over again for the brown and tanner fishery.

Proposed by: Sig Mathisen, Petersburg Vessel Owners and
Southeast Crab Fishermen (76), Petersburg Advisory
Committee (90)

PROPOSAL #41 - 5 AAC 34.125, LAWFUL GEAR. In the Southeast/Yakutat king crab fishery, provide that no person or vessel who participated in the commercial fishery for king crab may fish with pots, or store pots in the water, during the 10 days immediately preceding the opening of the king crab fishing season in which the fishermen or vessel commercially participates.

JUSTIFICATION: The wording of the regulation now provides for a fisherman not as yet registered to fish his pot gear up until the opening of the season just by not being registered. Then right at the opening he can register to fish during the opening and not have to remove his gear at all.

Proposed by: Department of Public Safety; Division of Fish and
Wildlife Protection (26)

PROPOSAL #42 - 5 AAC 34.125(1). Review the requirement that at least one side of each king crab pot must have a minimum nine inch stretch mesh web panel.

JUSTIFICATION: At the 1984 spring shellfish meeting, the Alaska Board of Fisheries adopted new regulations requiring one panel of each king crab pot be composed of nine inch stretch mesh after July 1, 1985. This mesh size is designed to minimize handling mortalities by allowing sublegal king crab a method to escape from the fishing pots. Experimental studies have been conducted to examine the correct size of mesh to facilitate escapement of

sublegal crab. This proposal is being submitted to allow the board and public the opportunity to review this information prior to when the regulation becomes effective.

Proposed by: Department of Fish and Game

PROPOSAL #43 - 5 AAC 34.125, LAWFUL GEAR. In the Southeast Alaska area, delay the effective date until July 1, 1987 when at least one side of each king crab pot must have a minimum nine inch stretch mesh web panel which extends from the bottom frame bar to the top frame bar on the vertical plane.

JUSTIFICATION: We believe that proper and adequate evaluating research has yet to be done to determine the best method to use for escapement mechanisms. Further studies of numbers, size of mesh, and rings and other methods including placement are still to be completed. Indications are that input from the industry is still forthcoming. In light of the above we feel that this delay can only better serve the resource totally.

Proposed by: Juneau commercial crab fishermen, Gastineau Channel Advisory Committee (33)

PROPOSAL #44 - 5 AAC 34.125, LAWFUL GEAR. Allow king crab pot storage in Russell Fiord in less than 10 fathoms. First bay south and west of Cape Stoss.

JUSTIFICATION: This is a small boat fishery with little effort as stocks are small in the Yakutat area. Transporting pots at this time of the year is very dangerous for small boats. This type of storage has been allowed in the past.

Proposed by: Yakutat Advisory Committee (58)

SOUTHEAST/YAKUTAT - TANNER CRAB FISHERY

PROPOSAL #45 - 5 AAC 35.110, FISHING SEASONS. Open the Southeast Alaska Tanner crab season March 1 instead of February 10.

JUSTIFICATION: This later opening is to provide for a fishery during better weather conditions and to provide optimum quality.

Proposed by: Sig Mathisen, Petersburg Vessel Owners and Southeast crab fishermen (78), Petersburg Advisory Committee (89)

PROPOSAL #46 - 5 AAC 35.035(e). Require that vessels may not have Tanner crab on board after 24 hours following the Tanner crab closure of southeastern portion of statistical Area A.

JUSTIFICATION: Two district Tanner crab fisheries exist in statistical Area A. Under the current regulation, when either one of these fisheries are closed separately, as is generally done, vessels have 72 hours to land crab. Prior to this past season, vessels were allowed only 24 hours to land crab which was a wrong interpretation of the regulations. The 24 hour landing requirement is needed to facilitate enforcement of season closures especially since vessels may continue to fish brown king crab following the closure.

Proposed by: Department of Fish and Game and Fish and Wildlife Protection Division

PROPOSAL #47 - 5 AAC 35.125, LAWFUL GEAR. In the Southeast/Yakutat Tanner crab fishery, provide that no person or vessel who participates in the commercial fishery for tanner crab may fish with pots, or store pots in the water, during the 10 days immediately preceding the opening of the Tanner crab fishing season in which the fisherman or vessel commercially participates.

JUSTIFICATION: The wording of the regulation now provides for a fisherman not as yet registered to fish his pot gear up until the opening of the season just by not being registered. Then right at the opening he can register to fish during the opening and not have to remove his gear at all.

Proposed by: Department of Public Safety, Division of Fish and Wildlife Protection (25)

SOUTHEAST - MISCELLANEOUS SHELLFISH

PROPOSAL #48 - 5 AAC 38.130, FISHING SEASON FOR ABALONE, and 5 AAC 38.135, GUIDELINE HARVEST RANGE. Reduce the abalone quota in district 13 from 16,000 pounds to 8,000 pounds, and reduce the number of openings from 2 to 1 beginning November 1 of each year.

JUSTIFICATION: The abalone population in district 13 needs time to rebuild. Increasing pressure from sea otters north of Sitka has made commercial harvest of abalone in that region unfeasible. Most of the commercial effort is now reduced to a small area. This area can not sustain the level of harvest that has been going on in recent years. A November 1 opening would insure the abalone would be able to spawn unmolested by divers.

Proposed by: Seafood Divers of Alaska Inc., and Alaska Pride Seafoods Inc. (92)

PROPOSAL #49 - 5 AAC 38.130. Provide a closing date of May 15, for the spring abalone season.

JUSTIFICATION: Effort during the spring abalone season has been low relative to effort levels during the fall abalone season, especially in the Sitka fishery. It is expected that during future spring seasons the lower end of the established guideline harvest range will not be achieved. As a result, the season would remain open during the early portion of the spawning period. A closure date is necessary to prevent fishing during this period of reproductive activity.

Proposed by: Department of Fish and Game

PROPOSAL #50 - 5 AAC 38.134, CLOSED WATERS. Establish closed waters for commercial abalone fishing in Southeast Alaska as follows:

the following waters are closed to commercial abalone fishing: district 3, that area lying within lines drawn from point San Antonio (point of beginning) to Diver Pt., hence to Cape Muzon; to Point Marsh and thence following the coastline to the point of beginning.

JUSTIFICATION: Commercial abalone fishing has reduced the resource to a point where the subsistence take to Hydaburg residents approaches zero.

Proposed by: Victor Burgess, Hydaburg Advisory Committee, and Southeast Regional Council (3)

PROPOSAL #51 - 5 AAC 33.200. Establish a Dixon Entrance District to include all waters of the Fisheries Conservation Zone south of the southern boundaries of districts 1, 2, and 4.

JUSTIFICATION: The adoption of this new district will clarify that the State of Alaska has in the past and continues to exercise its fishery management authority in those waters of Dixon Entrance north of the FCZ line. The boundary of the FCZ for Dixon Entrance is described by 59 latitude and longitude points and set out in the Federal Register, Vol. 41, No. 24, Nov. 4, 1976, pages 18619-18620. Copies are available through the Department of Fish and Game.

Proposed by: Department of Fish and Game

PRINCE WILLIAM SOUND - SUBSISTENCE SHELLFISH

PROPOSAL #52 - 5 AAC 02.210. Change the current subsistence pot shrimp fishery pot limit from the existing ten pots per person to ten pots per vessel and require the vessel name on the pot bouy.

JUSTIFICATION: Two years ago the board adopted a ten pot limit for the pot shrimp fishery. This was done in order to curtail

the commercial abuse of subsistence privileges. The regulation has been moderately successful; however, it is being circumvented by putting names and addresses of people on bouys who never fish the gear. This problem could be significantly reduced by limiting the number of pots that can be fished per vessel to ten, as well as requiring that the vessel name be on the bouy.

Proposed by: Department of Fish and Game

PROPOSAL #53 - 5 AAC 02.225. Establish a minimum legal size in the Prince William Sound subsistence king crab fishery that is the same as in the commercial fishery.

JUSTIFICATION: King crab stocks in Prince William Sound have been under intensive fishing pressure by both subsistence and commercial fishermen. A legal minimum size for subsistence use, which will be identical to the commercial minimum size, will still allow for a reasonable harvest by subsistence users while protecting the important reproductive segment of the stocks.

Proposed by: Department of Fish and Game

PRINCE WILLIAM SOUND - SHRIMP FISHERY

PROPOSAL #54 - 5 AAC 31.235, CLOSED WATERS. Reduce time in which areas are closed to protect herring in Prince William Sound.

JUSTIFICATION: Provide an opportunity to fish shrimp in areas previously closed to trawling while not adversely affecting the herring stocks. If the critical time for herring protection can be identified to a more specific time period, both fisheries can benefit.

Proposed by: Alaska Druggers Association (94)

PRINCE WILLIAM SOUND - KING CRAB FISHERY

PROPOSAL #55 - 5 AAC 34.210. Clarify the legal size limit for all species of king crab by removing the size reference from the season regulation.

JUSTIFICATION: This administrative error needs to be eliminated as it may be interpreted as establishing a 5.9 minimum legal size for all species of king crab in Prince William Sound.

Proposed by: Department of Fish and Game

PRINCE WILLIAM SOUND - TANNER CRAB FISHERY

PROPOSAL #56 - 5 AAC 35.020, REGISTRATION. Require that Tanner crab vessels wishing to fish in Area E must register prior to October 1.

JUSTIFICATION: This regulation would discourage the effort in the Area E crab fishery from expanding beyond the point that the fishery can sustain a reasonable CPUE.

Proposed by: Copper River-Prince William Sound Advisory Committee (102)

PRINCE WILLIAM SOUND - MISCELLANEOUS SHELLFISH

PROPOSAL #57 - 5 AAC 38.214, CLOSED WATERS FOR CLAMS. Require that razor clams may not be taken from the Kanak Island certified beach for any purpose other than for human consumption.

JUSTIFICATION: Kanak Island is the only beach certified by the Department of Environmental Conservation for human consumption in the Prince William Sound Management area. Other beaches, which are not certified for human consumption, have significant clam populations for bait digging.

Proposed by: Mitchell Howicki (7) and Harry Barnard (8)

PROPOSAL # 58 - 5 AAC 38.215, GUIDELINE HARVEST LEVEL. New Section. Establish a 100,000 pound guideline harvest range on the Kanak Island certified razor clam beach.

JUSTIFICATION: The effort and harvest level in the commercial razor clam harvest at Kanak Island has made a drastic increase in the past two years. This harvest should be stabilized until more is known about the available biomass.

Proposed by: Copper River-Prince William Sound Advisory Committee (101)

COOK INLET - SHRIMP FISHERY

PROPOSAL #59 - 5 AAC 31.310. Change the second opening date of the Kachemak Bay pot shrimp fishery from November 1 to October 1.

JUSTIFICATION: An opening date of October 1 provides for a separation of the pot shrimp fishery from the Tanner crab fishery in Kachemak Bay. This separation allows for a more orderly fishery from the standpoint of fishery sampling and also allows fishermen to concentrate their efforts on one fishery at a time. Prior to the Tanner crab opening changing from December 1 to the present November 1 date, which occurred at the spring 1983 Board

JUSTIFICATION: Proposal #64 would conflict with validity requirements in this regulation unless it is changed also.

Proposed by: Seldovia Advisory Committee (22)

PROPOSAL #66 - 5 AAC 32.325, LAWFUL GEAR. Require that all dungeness pots shall be removed from water or stored in 15 fathoms or less of water with bait jars removed and doors tied open 2 weeks prior to tanner crab season openings in the Cook Inlet area.

JUSTIFICATION: Tanner crab are being caught and held in dungeness pots prior to tanner crab openings and then are harvested illegally when tanner season opens.

Proposed by: George Hermon (55) and James S. Hermon Jr. (64)

COOK INLET - KING CRAB FISHERY

PROPOSAL #67 - 5 AAC 34.310. Make provisions for a commercial brown king crab fishery by permit in Cook Inlet from November 1 through May 31.

JUSTIFICATION: The brown king crab resource is presumed to be limited in abundance in Cook Inlet and probably would not support a major directed fishery. However, during an open Tanner crab fishery, this regulation would allow a fisherman to retain incidentally caught brown king crab. Some exploration specifically for brown king crab may occur as a result.

Proposed by: Department of Fish and Game

PROPOSAL #68 - 5 AAC 34.020(c), REGISTRATION. Provide that the owner or authorized agent shall register all king crab fishing gear and each king crab fishing vessel for a registration area before fishing in that area except that king crab vessels registering for super-exclusive registration Area H must have completed registration six months before the scheduled season opening date.

JUSTIFICATION: Because of unique situations, Area H king crab season opens earlier than all other Alaska king crab registration areas. Only a small portion of registration Area H offers crab populations of commercial quantities. The local fleet is more than capable of maximum harvest. Vessels that do not normally register for this area are encouraged to participate in the fisheries on a last minute decision basis created by the "registration just prior to fishing" regulation. Very few of the "new to the area" vessels re-register for the next years season indicating their dissatisfaction with the seasons catch, but their numbers are usually replaced by others who apparently have

not sufficiently researched the areas potential. A six months prior to scheduled season opening completed registration requirement would encourage more deliberation and a subsequent fleet reduction.

Proposed by: Seldovia Advisory Committee (19)

PROPOSAL #69 - 5 AAC 34.020(e) REGISTRATION. Provide that except for Area H, a registration is not valid until the vessel has been inspected as required in 5 AAC 34.030 (A) or (B). Once a vessel has completed registration for super exclusive registration Area H or has been inspected for another super exclusive or exclusive registration area, its registration may not be voided to take king crab in another superexclusive or exclusive registration area. A registration may be voided to take other species of crab in other king crab registration areas.

JUSTIFICATION: Proposal #68 would conflict with validity requirements in this regulation unless it is changed also.

Proposed by: Seldovia Advisory Committee (20)

COOK INLET - TANNER CRAB FISHERY

PROPOSAL #70 - 5 AAC 35.020, REGISTRATION. Provide that the owner or his authorized agent shall register all Tanner crab fishing gear and each Tanner crab fishing vessel for a registration area before taking Tanner crab in that area, except that Tanner crab vessels must be registered for area E before the scheduled openings date of the area, and vessel registration completed six months before scheduled opening date in area H. Once a vessel has been inspected for super exclusive area E, and once a vessel has completed registration in superexclusive area H its registration may not be voided to take Tanner crab in another registration area.

JUSTIFICATION: Because of unique situations, area H Tanner crab season opens earlier than all other Alaska Tanner crab registration areas. Only a small portion of registration area H offers Tanner crab populations of commercial quantities. The local fleet is more than capable of maximum harvest in the confined fishing grounds. Intense fishing by the expanded fleet has resulted in processor deadloss as high as 10%. Vessels that do not usually register for area H are encouraged to participate in the fisheries on a last minute decision basis created by the registration just prior to fishing regulation. Very few of the new to the area vessels re-register for the next years season indicating their dissatisfaction with the seasons catch, but their presence is usually replaced by others who apparently have not sufficiently researched the areas potential. A six months prior to scheduled seasons opening completed registration

requirement would encourage more deliberation and a subsequent reduction in fleet size.

Proposed by: Seldovia Advisory Committee (18)

PROPOSAL #71 - 5 AAC 35.020, REGISTRATION. Make Kachemak Bay a separate superexclusive registration area for Tanner crab fishing.

JUSTIFICATION: To allow Fish and Game managers better control over Tanner crab stocks in Kachemak Bay. Quotas can be exceeded by crab vessels holding crab in live tanks spanning the entire short seasons of the Kachemak Bay area.

Proposed by: George Hermon (53) and James S. Hermon Jr. (65)

PROPOSAL #72 - 5 AAC 35.020, REGISTRATION. Require that Tanner crab vessels must be registered for area H 180 days before the scheduled season opening dates for this area.

JUSTIFICATION: After an excellent survey for the southern district area H, there was an influx of boats from other areas as well as boats that had not even planned on fishing tanners, also this will assist in the removal of dungeness gear under proposal #75.

Proposed by: Charles A. Smith (72), Homer Advisory Committee (72)

PROPOSAL #73 - 5 AAC 35.410, FISHING SEASONS. Open the Tanner crab season in the southern district at 12:00 noon, November 3, instead of November 1.

JUSTIFICATION: To discourage the influx of large boats which fish in excess of 150 pots from taking the best of the southern district and then moving to the Kamishak-Central-Barren Islands districts. 25% of the quota is being caught by less than 9% of the boats in the first 72 hours of the season. Boats too small to fish the other areas cannot justify the investment in gear that the large boats are fishing. So as a result, our catch is being cut in half every year.

Proposed by: Charles A. Smith (70), Homer Advisory Committee (70)

PROPOSAL #74 - 5 AAC 35.425, LAWFUL GEAR. Limit number of Tanner - king crab pots in Kachemak Bay by providing that during Tanner crab season an aggregate of no more than 75 king and Tanner crab pots may be fished from any registered Tanner crab vessel in Kachemak Bay.

JUSTIFICATION: Unfair competition between large vessel capabilities versus small local vessels is making seasons shorter and thus unproductive for the smaller vessels. Seasons have been reduced from months to less than 8 days in Kachemak Bay.

Proposed by: George Hermon (56) and James S. Hermon Jr. (66)

dungeness gear
can use other
PROPOSAL #75 - 5 AAC 35.425, LAWFUL GEAR. Require that all registered Tanner crab vessels remove their dungeness gear from the water 72 hours prior to the scheduled opening of the Tanner crab season in area H, southern district.

JUSTIFICATION: Fishermen have been placing pyramid type Tanner pots in position (baited) prior to the opening of Tanner crab season-this proposal needs a preregistration period to be effective.

Proposed by: Charles Smith and Homer Advisory Committee (71)

COOK INLET - MISCELLANEOUS SHELLFISH

PROPOSAL #76 - 5 AAC 38.050. Permit the use of hydraulic clam diggers to take razor clams along the west side of Cook Inlet, north of Spring Point, excluding Polly Creek and Crescent Beach razor clam beaches.

JUSTIFICATION: The west side of Cook Inlet contains many suspected or poorly identified concentrations of razor clams. Limited use of dredging equipment in specified areas would provide short-term harvest alternatives for dredge operators while providing the department with information on the extent and density of clam populations outside of the presently utilized areas. This proposal is submitted to encourage discussion on the use of clam dredges in Upper Cook Inlet.

Proposed by: Department of Fish and Game

PROPOSAL #77 - 5 AAC 38.320, FISHING SEASONS FOR SCALLOPS. Establish a season for scallops in the Kamishak, Southern, and Central Districts and Kachemak Bay.

- 1) Kamishak, Southern and Central districts except Kachemak Bay: scallops may be taken from August 2 through October 31 or until 20,000 pounds have been landed.
- 2) Kachemak Bay scallops may be taken from June 13 through July 1 in water 25 fathoms or deeper and scallops may be taken from October 1 through October 31 in water 25 fathoms or shallower.

JUSTIFICATION: 1) Help the individual fisherman with a new source of income. 2) To reduce the fishing pressure off some of the other fisheries in Cook Inlet.

Proposed by: Scott Hulse (36)

PROPOSAL #78 - 5 AAC 38.324, CLOSED WATERS FOR SCALLOPS. Delete the existing closed waters in the Cook Inlet area, and provide that scallops may not be taken only in the area north of a line from the mouth of the Kenai River to the West foreland.

JUSTIFICATION: 1) To help support the individual fisherman with a new source of income. 2) Reduce the fishing pressure on the other fisheries in Cook Inlet.

Proposed by: Scott Hulse (35)

WESTWARD - DUNGENESS CRAB FISHERY

PROPOSAL #79 - 5 AAC 32.410. Change the dungeness crab season from May 1 through February 1 to June 15 through December 31.

JUSTIFICATION: With the decline of the king crab stocks, additional protection is needed to rebuild the stocks. Since many king crab remain in shallow water during the month of May, the June 15 opening of dungeness season would help prevent king crab from being captured. During the month of May, the fishery produced 3.1% of the catch in 1982 and 6.3% of the catch in 1983. The occurrence of soft-shell dungeness crab during May is common. The December 31 closure would help prevent gear conflicts with the Tanner crab fishery. During the month of January, the harvest has been very low.

Proposed by: Department of Fish and Game

PROPOSAL #80 - 5 AAC 32.410, FISHING SEASONS. Provide a dungeness season of June 1 through December 31 instead of May 1 through February 1 in the Kodiak district.

JUSTIFICATION: As a result of little production during May and the condition of the soft dungeness crab, the June 1 opening would be advantageous to all fishermen due to no large gear concentrations in any one area and the improved quality of the crab. The December 31 closure would help prevent gear conflicts with the Tanner crab fishermen.

Proposed by: Ronald M. Kellow (93)

PROPOSAL #81 - 5 AAC 32.410, FISHING SEASONS. Change the season opening date for dungeness crab in the Alaska Peninsula District to a later date - August 20.

JUSTIFICATION: Change the season date due to gear conflicts with salmon gear. Dungeness gear using floating line becomes a hazard to salmon vessels.

Proposed by: Sand Point Advisory Committee (51)

WESTWARD - KING CRAB FISHERY

PROPOSAL #82 - 5 AAC 34.4xx, 34.5xx, 34.6xx, 34.7xx, 34.8xx, and 34.9xx. Establish opening dates for the king crab season according to the following schedule;

<u>Area</u>	<u>King crab - Opening dates</u>
Kodiak (K)	September 25
Alaska Peninsula/ Chignik (M)	September 25
Eastern Aleutian/ Dutch Harbor (O)	November 1
Western Aleutian/ Adak	November 1
Bristol Bay (T)	September 25
Pribilofs (Q)	September 25
St. Matthew (Q)	September 1
Norton Sound (Q)	August 1
St. Lawrence (Q)	August 1

JUSTIFICATION: Coordinated season opening dates will spread the fleet out, thus reducing high fishing pressure. These proposed season starting dates are very similar to last years. With this season scenario a fishermen would have access to 4 basic seasons- 1) Norton Sound/St. Lawrence, 2) St. Matthew, 3) Kodiak/Alaska Peninsula/Chignik/Bristol Bay/Pribilofs, and 4) Eastern Aleutian/Dutch Harbor/Western Aleutian/Adak. This strategy will also aid in management and enforcement of the areas.

Proposed by: North Pacific Fishing Vessel Owners'
Association (45)

PROPOSAL #83 - 5 AAC 34.710, FISHING SEASONS. Extend the Adak brown king crab fishery to close August 15 instead of April 15.

JUSTIFICATION: 1) Due to market conditions, crab have not been harvested at a rate that would meet the present harvest guidelines in the time frame now available to fish. 2) Weather conditions, tides and currents are not favorable in winter months to fish approximately 40% of habitat. Extending season into spring and summer months would allow exploration of these new areas. 3) Crab may be in better condition in spring and summer. 4) Crab seem to be in shallower water this time of year. This would make it much more economical and safer to harvest crab. 5) Extending season would ease pressure on other species and areas in the state during the period proposed. 6) It would spread the supply of crab out over a longer period which would help stabilize market conditions and ease buyers concern of getting crab year around. 7) Extending season would also give ADF&G more biological insight into the brown king crab fisheries.

Proposed by: C.L. Lowenberg (95)

PROPOSAL #84 - 5 AAC 34.020, REGISTRATION. Classify the brown king crab fishery in the Dutch Harbor area (area O) - non-exclusive.

JUSTIFICATION: This brown king crab fishery is a relatively new fishery, currently any fisherman participating in the Dutch Harbor brown king crab fishery could not fish the Bristol Bay red king crab fishery. These fisheries are clearly two different, non-related fisheries and should be considered so.

Proposed by: North Pacific Fishing Vessel Owners' Association (47)

PROPOSAL #85 - 5 AAC 34.710, FISHING SEASONS and 5 AAC 34.720, SIZE LIMITS. Reduce the brown king crab harvestable size limit in Adak from 6½ inches to 6 inches or greater.

JUSTIFICATION:

<u>Brown king crab</u>	<u>Current size limit</u>	<u>Proposed change</u>
Dutch Harbor	6"	
Adak	- 6½" -	6"
Bristol Bay	5½"	
Pribilofs	5½"	
Bering Sea	5½"	
Norton Sound	5½"	
Kodiak	7"	

Considering all the biological background and taking into account all the most conservative management regimes we encourage you to

allow the harvest of brown king crab in Adak at a size of 6" or greater. As you can see in all the other areas (except Kodiak) we are harvesting these crab at a smaller size, our Association members believe the same stock and biological conditions prevail in Adak as they do elsewhere, thus encouraging a lower size limit.

Proposed by: North Pacific Fishing Vessel Owners'
Association (48)

PROPOSAL #86 - 5 AAC 34.710, FISHING SEASONS, and 5 AAC 34.720, SIZE LIMITS. In the Adak area, lower the minimum legal size for brown king crab from 6½ inches to 6 inches.

JUSTIFICATION: Whereas Dutch Harbor area O has 6" size limit for the same species of brown crab. Justification for lowering area R limit. Age to growth rates (yield of harvestable crab) same as area O and R crab. Also, large abundance of 6"-6½" size crab. Reference location - Amukta Bank 52° 45' - 171° 20'. Dropping size limit 6½" 6" area O based on Amukta Bank which is now part of area R.

Proposed by: Leif Nordbo, Alaska Sea Inc. (29)

PROPOSAL #87 - 5 AAC 34.8xx, BAIT UP PERIODS (new section). Provide that vessels participating in the Bristol Bay - Area T, Bering Sea - Area Q king crab fisheries will be allowed a five day "bait-up" period starting five days prior to the opening day. No crab may be possessed until the designated opening day. Tank check would be required 24 hours before the start of the season.

JUSTIFICATION: For safety reasons a five day "bait-up" period in these two areas would allow smaller vessels to make more trips to and from the grounds, thus lowering the potential risk of overloading a vessel. In past years fishermen in some areas were not interested in "bait-up" periods of any kind. This is why we have centered out interest around only the Bering Sea and Bristol Bay areas. The tank check 24 hours prior to the season would discourage early starts.

Proposed by: North Pacific Fishing Vessel Owners'
Association (49)

PROPOSAL #88 - Allow seven-day pot storage after the closure of districts in the Bering Sea, excluding Norton Sound.

JUSTIFICATION: Due to the size of area fished and distance from established pot storage area and processors, when the Northern or Pribilof districts of the Bering Sea statistical area closes, by regulation it is only a district closure and allows for only a

72-hour gear removal period. Vessels find it physically impossible to be off the fishing grounds or delivering within 24-hours after the closure and still have their legally stored gear removed within 72 hours. This proposal would allow vessels to have a longer period of time to remove gear or legally store it.

Proposed by: Department of Fish and Game

PROPOSAL #89 - Require vessels validly registered for the registration area in statistical areas Q and T landing king crab at King Cove to check out of statistical areas Q and T by contacting, by radio, the representative of the department prior to leaving those areas.

JUSTIFICATION: With no commercial king crab season in the South Peninsula and no department representative in King Cove, the department representative would like to be notified when vessels fishing areas Q and T choose to delivery king crab at King Cove.

Proposed by: Department of Fish and Game

PROPOSAL #90 - 5 AAC 34.910, FISHING SEASONS. Extend the commercial winter king crab season for the Norton Sound section by opening on November 15 instead of January 1 and closing on May 15 instead of April 30. Change the gear regulation [5 AAC 34.925(e)] accordingly.

JUSTIFICATION: The proposal would allow increased opportunity for commercial fishermen to fish for king crab through the ice without significantly increasing the proportion of the annual harvest quota taken during the winter season.

Proposed by: Tim Smith (23, 24)

WESTWARD - TANNER CRAB FISHERY

PROPOSAL #91 - 5 AAC 35.505. Move the northern boundary of the Southeast and Pribilof subdistricts from Cape Newenham (58°39'N. lat.) to 58°N. lat.

JUSTIFICATION: The National Marine Fisheries Service's Tanner crab stock assessment program delineates the Bering Sea C. opilio stocks by using 58°N. lat. The proposed change would provide for better stock management and avoid confusion between state and federal boundaries.

Proposed by: Department of Fish and Game

PROPOSAL #92 - 5 AAC 35.505, DESCRIPTION OF DISTRICTS. Move the southern boundary of the Northern subdistrict of the Bering Sea

district to the south to 57° N. latitude, instead of the latitude of Cape Newenham (58°39' N. latitude).

JUSTIFICATION: During my 1984 fishing season, the crab were limited to a very small area. As the season progressed this fall, the crab moved south below 58°, and I had to stop fishing due to lack of enough market size crab north of 58°.

Proposed by: Gary D. Howell (96)

PROPOSAL #93 - 5 AAC 35.510, FISHING SEASONS. Change the opening date of the Tanner crab season in the Chignik district to November 15 if Chignik is considered as a superexclusive registration area.

JUSTIFICATION: The weather is not too bad to fish during November and it can be unsafe in January and February. If the Chignik area is considered as other than a superexclusive registration area, then the opening date should coincide with the other areas.

Proposed by: Sand Point Advisory Committee (100)

PROPOSAL #94 - 5 AAC 35.510, FISHING SEASONS. Change opening date of the Tanner crab season in South Peninsula to November 15, if South Peninsula is considered as a super exclusive registration area.

JUSTIFICATION: The weather is not too bad to fish during November and it can be unsafe in January and February. If South Peninsula is considered as other than a supersxclusive registration area the opening date should coincide with the other registration areas.

Proposed by: Sand Point Advisory Committee (99)

PROPOSAL #95 - 5 AAC 35.5xx. Establish opening dates for the tanner crab season according to the following schedule:

<u>Area J</u>	<u>Bairdi and Opilio opening dates</u>
Bristol Bay	January 15
St. Matthew	January 15
Pribilof Islands	January 15
Dutch Harbor	January 15
Adak	November 1
Kodiak	January 15
Peninsula	January 15

JUSTIFICATION: Coordinated season opening dates will spread the fleet effort out, reducing high centralized fishing pressure.

These proposed season starting dates are very similar to last years Board approved dates.

Proposed by: North Pacific Fishing Vessel Owners' Association (46)

PROPOSAL #96 - Allow in-water storage of Tanner crab pots if the king crab season is cancelled.

JUSTIFICATION: The present regulation wording is not clear in allowing pot storage if there is no king crab season.

Proposed by: Department of Fish and Game

PROPOSAL #97 - 5 AAC 35.525(c)(1). Allow in-water storage of Tanner crab pots in waters less than 30 fathoms in depth for the Western Aleutians District, instead of all waters west of 172°W. longitude.

JUSTIFICATION: The preemption of the St. Matthew king crab grounds again occurred during the 1984-85 fishery by fishermen storing Tanner crab gear on the grounds. The intent of the original regulation was to allow Tanner crab gear storage in the Adak area. By eliminating the Bering Sea area from this regulation, a fair and equal start up will be accomplished in the St. Matthew king crab fishery. Tanner crab gear can be legally stored in pot storage areas presently provided for in the Bering Sea District.

Proposed by: Department of Fish and Game

PROPOSAL #98 - Simplify the season regulations for Korean hair crab by providing for a year around season by permit only for all waters west of Cape Kumlik.

JUSTIFICATION: Korean hair crab fishery west of Cape Kumlik was put under a permit fishery to help eliminate fishing ground preemption of other fisheries. This proposal cleans up the existing regulations in the shellfish regulation book.

Proposed by: Department of Fish and Game

STATEWIDE - SUBSISTENCE SHELLFISH

PROPOSAL #99 - 5 AAC 02.xxx. Establish a five pot limit for all subsistence crab fisheries, except for the St. Lawrence Island section and except when fishing through the ice in the Norton Sound section.

JUSTIFICATION: The proposed pot limit will prevent excessive amounts of commercial gear from being set before the commercial

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opening under the guise of being used as subsistence gear, without unduly restricting current subsistence activities. Adoption of the limit will reduce problems with preseason prospecting, grounds preemption, and fair starts.

Proposed by: Department of Fish and Game

PROPOSAL #100 - 5 AAC 02.025. In Southeast Alaska, or in the statewide king and tanner crab commercial fisheries provide for a fair start by eliminating present loophole.

Option 1 - 5 AAC 02.xxx (Southeast). All subsistence pot gear shall be removed from the water between: October 1 through October 10, February 1 through February 10.

Option 2 - 5 AAC 02.025 (statewide), except as provided for in 5 AAC 02.020; no person or vessel who participates in the commercial pot fishery for king crab, tanner crab, dungeness crab, or shrimp may fish with pots, or store pots, in the water for subsistence purposes during the ten days immediately preceding the opening of the king crab, tanner crab, dungeness crab, or shrimp fishing seasons in which the fisherman or vessel commercially participates. No commercially licensed or registered shrimp trawl fishing vessel may be used to take shrimp for subsistence purposes in any district that is open for commercial shrimp trawl fishing for 10 days before, during and 10 days after any open commercial shrimp trawl fishing season for that district.

JUSTIFICATION: Present language in both subsistence and commercial regulations allow a commercial shellfish fisherman to set his pots early or store them under the auspices of subsistence fishing when in fact he is commercial fishing prior to the scheduled opening.

Proposed by: Department of Public Safety, Division of Fish and Wildlife Protection (27)

PROPOSAL #101 - 5 AAC 02.015, SUBSISTENCE FISHING PERMITS AND REPORTS. Restrict non-residents from taking subsistence shellfish in the waters of Alaska and require a permit of residents.

JUSTIFICATION: There are no existing regulations on subsistence shellfish fishing. It is necessary to at least require a permit so that non-resident pressure does not impact the resource. The Board of Fisheries should put out a "call for regulatory proposals" on subsistence shellfish fishing.

Proposed by: Upper Lynn Canal Advisory Committee (43)

STATEWIDE - SHELLFISH

PROPOSAL #102 - The Department of Fish and Game, by request of the Board of Fisheries, is currently preparing a draft of goals and objectives for the Tanner crab fishery. The overall purpose of the document is to provide long-term guidance to the public, the department, and the board on how the Tanner crab fishery should be managed and why. The draft is being finalized now and should be available by late January. The goals and objectives are not being proposed to be adopted as regulation.

PROPOSAL #103 - 5 AAC 32.050(b). Require that Dungeness crab buoy markings must be visible on the buoy above the water surface when the buoy is attached to the crab pot and require at least one buoy be attached to each pot in locations with pot limits.

JUSTIFICATION: Current Dungeness crab regulations are not clear that pot buoys markings be visible above the water surface and that in locations with pot limits, that each pot must be marked with at least one buoy.

Proposed by: Department of Fish and Game and Fish and Wildlife Protection

PROPOSAL #104 - 5 AAC 32.050. Provide for the sale of Dungeness crab from the gear of a lost vessel similar to what is allowed for king and Tanner crab.

JUSTIFICATION: This provision is in both king and Tanner crab chapters and is just as applicable to a lost Dungeness vessel.

Proposed by: Department of Fish and Game

PROPOSAL #105 - 5 AAC 32.050. Define a Dungeness crab pot to specify that it must be round and meshed with stainless steel wire.

JUSTIFICATION: To define the gear currently utilized in the Dungeness crab fishery and to clarify the difference between Dungeness and other shellfish pot gear.

Proposed by: Department of Fish and Game and Fish and Wildlife Protection

PROPOSAL #106 - 5 AAC 34. Adopt, amend, or repeal regulations required to bring the state into conformance with the Bering Sea-Aleutians King Crab Fisheries Management Plan.

JUSTIFICATION: The North Pacific Fishery Management Council's Bering Sea-Aleutians King Crab Fisheries Management Plan has been

adopted by the Secretary of Commerce. That plan is a framework plan that delegates to the State of Alaska the authority to manage the king crab fishery in both state and federal waters so long as the regulations adopted by the state conform to the guidelines of the plan and the Magnuson Fishery Conservation and Management Act. The Department of Fish and Game and the National Marine Fisheries Service are currently reviewing the state's regulations for conformity. At this time, it is envisioned that only selected statewide regulations will have to be changed and only in a manner needed to clarify state authority under the new plan. A report on the results of the review process will be available before the start of the shellfish meeting.

Proposed by: Department of Fish and Game

PROPOSAL #107 - 5 AAC 31.020(d), 32.020(d), 34.020(g), 35.020(d), and 38.020(a). Repeal or change the registration year for the shrimp, Dungeness, king, and Tanner crab, and miscellaneous shellfish fisheries.

JUSTIFICATION: Current registration years, for the most part, do not correspond to current fishing seasons. This causes confusion with the public, particularly when the registration year begins will in advance of a season opening or during a season. The board and the public should review the need for a registration year. If it is determined to return the registration year concept, the board and the public should review the need to change those years so that they correspond to current seasons.

Proposed by: Department of Fish and Game

PROPOSAL #108 - 5 AAC 32.0xx, SMALL BOAT FISHERY, 34.0xx, and 35.0xx. Establish a "small boat crab fishery". Qualifications for participation in the fishery are; 1) boat length may not exceed 30 feet. 2) The permit holder must register to fish in not more than one management area annually. 3) No permit holder may fish more than 30 pots. Thirty (30%) percent of the annual commercial quota for all commercially regulated crab species is hereby allocated for catch by valid holders of "small boat crab fishery" permits.

JUSTIFICATION: 1) The "small boat crab fishery" will allow a significantly larger number of people to participate in the harvest of the crab resource. 2) The boat size limitation and limitation on the number of pots will insure a year-round supply of fresh crab for the local market. Under the present system the entire quota may be caught in a very short time with the result that fresh crab is unavailable locally for much of the year. 3) The "small boat crab fishery" will require the allocation of only a portion of the total quota and will therefore not have an unduly adverse effect on the existing efficient large operators. 4) The establishment of the "small boat crab fishery" will

provide the opportunity for ADF&G to better manage the resource by allowing population monitoring concurrent with the harvest. Under the present system the rapid harvest by a few large boats fishing large number of pots provides little margin for error in the setting of quotas. Allocating a portion of the quota for harvest over a longer period of time will provide this much needed safety margin.

Proposed by: Leon Ayson Jr, (1)

STATEWIDE - FINFISH AND SHELLFISH

PROPOSAL #109 - 5 AAC 39.xxx. Establish a permit system to allow the taking of species of fish for which there are not currently any season, gear, or other regulations.

JUSTIFICATION: The purpose of this regulation is to allow the department to specify seasons, gear, location, reporting requirements, etc., for experimental or new fisheries that are not open under current regulations. This would allow close monitoring of developing fisheries until which time the board can adopt a set of regulations for that fishery. The proposed regulation would also allow harvesting of miscellaneous fish by biological supply companies.

Proposed by: Department of Fish and Game

PROPOSAL #110 - 5 AAC 39.140, INSPECTION OF FISHERY ESTABLISHMENTS. Adopt regulation governing inspection of catcher-processor vessels and other floating processors, boarding procedures and an observer program, as follows:

5 AAC 39.140 INSPECTION OF FISHERY ESTABLISHMENTS AND VESSELS

- a. For purposes of inspection, local representatives of the department shall have free and unobstructed access to all canneries, salteries and other fish processing establishments.
- b. The owner or operator of any fishing vessel, catcher processor or floating processing vessel shall immediately comply with instructions issued by a local representative of the department to facilitate safe boarding and inspection of the vessel, its gear, equipment and catch for the purpose of enforcing Title 16 and all regulations promulgated under this Title.
- c. Upon being approached by a vessel or aircraft under the control of a local representative of the department, the operator of the vessel shall be alert for signals conveying enforcement instructions.

d. Boarding. A vessel signalled to stop or heave to for boarding shall:

1. Stop immediately and lay to or maneuver in such a way as to permit the local representative of the department and his party to come aboard;
2. If requested, provide a safe ladder for the local representative of the department and party;
3. When necessary to facilitate the boarding, provide a man rope, safety line and illumination for the ladder; and
4. Take such other actions as necessary to insure the safety of the department and party and to facilitate the boarding.

5 AAC 39.141 OBSERVER PROGRAM.

- a. An observer program is established under which an individual authorized by either the Department of Public Safety or the Department of Fish and Game may be stationed aboard a fishing vessel, tender or processor while that vessel:
 1. is within the territorial waters of Alaska;
 2. is taking or attempting to take any species of fish subject to the Alaska Board of Fisheries regulations.
 3. is transporting or processing any species of fish subject to the regulations of the Alaska Board of Fisheries.
- b. The Department of Public Safety or Fish and Game may acquire observers for the program through contract with qualified private persons.
- c. The observers while aboard the vessel shall carry out such scientific and other functions as deemed necessary or appropriate to manage, protect, maintain, improve, and extend the fish and aquatic plant resources of the state in the interest of the economy and general well-being of the fisheries resources.

JUSTIFICATION: With the increasing shift of processing from shore based plants to catcher processors and floating processors, a regulation is needed which would allow for the safe boarding of fishing vessels and processing vessels on the grounds. These boardings would be a valuable asset to the industry in that vessels could be boarded for the purpose of insuring that they are complying with size, sex, and species restrictions in the fishery in which they are participating. This regulation is not intended to allow a warrantless search of a vessel but rather to insure that vessels are properly licensed, comply with gear restrictions and that the fishery resource being taken meets the size, sex, and species requirements. An Intent to Search would be appropriate when anything other than the vessel's licenses are checked. This regulation is similar to the Federal Commercial

Fishing Regulation found in 50 CFR Part 671.6 which allows for the boarding of fishing vessels. Under the definition of "local representative of the department" found in 5 AAC 39.975 (a) this regulation would apply to an employee of the Department of Fish and Game and a law enforcement officer of the Department of Public Safety.

Proposed by: Department of Public Safety

PROPOSAL #111 - The Department of Fish and Game will report on the status of a bill that is to be presented to the Legislature that, if passed, will provide clear authority to permit on-board observers to be placed on catcher/processors, floating processors, and other types of fishing vessels. The board and the department would appreciate input from the public on aspects of the program, particularly which fisheries need this type of coverage and the type of regulatory structure that should be adopted to govern the activities of those vessels that may be covered by the program.