

Submitted by the Alaska Department of Fish and Game

March 22, 2017

Substitute Language for Proposal 267

PROPOSAL 267 – 5 AAC 02.220. Subsistence Tanner crab fishery; 5 AAC 35.306. Area E registration; 5 AAC 35.310. Fishing seasons for Registration Area E; 5 AAC 35.320. Size limits for Registration Area E; 5 AAC 35.325. Lawful gear for Registration Area E; 5 AAC 35.327. Tanner crab pot storage for Registration Area E; 5 AAC 35.340. Registration Area E inspection points; 5 AAC 35.345. Inspection requirements for Registration Area E; 5 AAC 35.3XX. Operation of other gear in Registration Area E; 5 AAC 35.3XX. Logbooks; 5 AAC 35.3XX. Reporting requirements for Registration Area E; and 5 AAC 35.3XX. Prince William Sound Tanner Crab Harvest Strategy. Create a harvest strategy and amend regulations for Tanner crab in Prince William Sound specifying conditions under which the commercial fishery may occur and reduce the legal size limit in the subsistence Tanner crab fishery, as follows:

5 AAC 02.220(2) is amended to read:

5 AAC 02.220. Subsistence Tanner crab fishery.

(2) only male Tanner crab five [AND ONE-HALF] inches or greater in width of shell may be taken or possessed;

5 AAC 35.306(b) is amended to read:

5 AAC 35.306. Area E registration.

(b) A Tanner crab vessel must be registered under 5 AAC 35.020 no later than 30 days [FOR REGISTRATION AREA E] before the scheduled opening date of the commercial Tanner crab season.

5 AAC 35.310 is amended to read:

5 AAC 35.310. Fishing seasons for Registration Area E. In the Northern and Hinchinbrook districts, male Tanner crab may be taken only from January 15 until March 31, during

periods established by emergency order. [THE COMMERCIAL HARVEST OF TANNER CRAB IN THE PRINCE WILLIAM SOUND AREA IS CLOSED UNTIL THE BOARD OF FISHERIES HAS ADOPTED A HARVEST STRATEGY IN THIS CHAPTER].

5 AAC 35.320 is amended to read:

5 AAC 35.320. Size limits for Registration Area E. Only male Tanner crab 5.0 [5.3] inches or greater in width of shell may be taken or possessed.

5 AAC 35.325 is amended to read:

5 AAC 35.325. Lawful gear for Registration Area E. (a) Tanner crab may be taken only with Tanner crab pots as defined in 5 AAC 35.050 [AND RING NETS]. Tanner crab taken by other means must be returned to the water without further harm.

(b) Pots may only be deployed or removed from the water from 8:00 a.m. to 6:00 p.m. The commissioner may by emergency order increase the time that pots may be deployed or removed from the water.[IN THE EASTERN DISTRICT, TANNER CRAB MAY BE TAKEN WITH POTS THAT HAVE TUNNEL EYE OPENINGS THAT EXCEED FIVE INCHES (13 CM) IN ONE DIMENSION].

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(d) The number of Tanner crab pots that may be operated from a vessel will be announced before the opening of each commercial Tanner crab season, not to exceed 30 Tanner crab pots per vessel. In determining the annual pot limit, the department will consider the

(1) total number of registered vessels;

(2) estimated catch per unit effort; and

(3) the guideline harvest level [DURING THE COMMERCIAL TANNER CRAB SEASON IN PRINCE WILLIAM SOUND MANAGEMENT AREA, AN AGGREGATE OF NO MORE THAN 75 KING AND TANNER CRAB POTS MAY BE OPERATED FROM A VESSEL REGISTERED TO FISH FOR TANNER CRAB].

5 AAC 35.327(a) is amended to read:

5 AAC 35.327. Tanner crab pot storage for Registration Area E. (a) Cone or pyramid Tanner crab pots with all bait and bait containers removed and all doors not secured closed, and

rectangular Tanner crab pots with all bait and bait containers removed and with all doors secured fully open, may be stored in the water only from 30 days before the scheduled opening date of the commercial Tanner crab season in Registration Area E until 30 days after the closure of that season.

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5 AAC 35.340 is repealed:

5 AAC 35.340. Registration Area E inspection points. Repealed / /2017

[REGISTRATION AREA E INITIAL INSPECTION AND REINSPECTION POINTS ARE LOCATED IN CORDOVA, VALDEZ, AND SEWARD OR AT OTHER LOCATIONS SPECIFIED BY THE DEPARTMENT].

5 AAC 35.345 is amended to read:

5 AAC 35.345. Inspection requirements for Registration Area E. (a) Unless required by the commissioner under (b) of this section, a vessel fishing for Tanner crab in Registration E is not required to undergo an inspection.

(b) The commissioner may, by emergency order, require that vessels fishing for Tanner crab in Registration E be inspected within [WITHIN] 24 hours before the scheduled opening date of the commercial Tanner crab season in Registration Area E or at any time during the open season [, A TANNER CRAB VESSEL REGISTERED FOR REGISTRATION AREA E MUST HAVE ALL HOLDS, LIVE TANKS, AND FREEZERS INSPECTED] by a local representative of the department at an inspection point specified **by the department** [IN 5 AAC 35.340. TANNER CRAB MAY NOT BE ON BOARD THE VESSEL AT THE TIME OF INSPECTION. THE REQUIREMENTS OF THIS SECTION DO NOT APPLY TO A REGISTERED TANNER CRAB VESSEL THAT DOES NOT HAVE A SALTWATER CIRCULATION SYSTEM IN ITS HOLDS OR LIVE TANKS].

5 AAC 35 is amended by adding new sections to read:

5 AAC 35.3XX. Operation of other gear in Registration Area E. A person or vessel that operates subsistence, sport, or personal use pots during the 30 days immediately before the scheduled opening date of the commercial Tanner crab season in Registration Area E may not participate in that commercial Tanner crab fishery.

5 AAC 35.3XX. Log sheets. (a) An operator of a vessel registered for the commercial Tanner crab fishery shall complete log sheets provided by the department.

(b) Log sheets described in (a) of this section shall be

(1) updated daily; and

(2) submitted to the primary processor or buyer after each trip for submission to the department with corresponding fish tickets;

(c) A catcher-seller described in 5 AAC 39.130 shall submit log sheets described in this section to the department with fish tickets.

(d) A person must fill out log sheets completely and may not make a false entry in log sheets required in (a) of this section.

5 AAC 35.3XX. Reporting requirements for Registration Area E. (a) A validly registered Tanner crab vessel must report each day to the department as specified on registration:

(1) the number of pot lifts;

(2) the number of crab retained for the 24-hour fishing period preceding the report;

and

(3) any other information that the department requests as is necessary for the management and conservation of the fishery, as specified in the vessel registration issued under 5 AAC 35.306.

5 AAC 35.3XX. Prince William Sound Tanner Crab Harvest Strategy. (a) If adequate data are available, the department shall estimate the abundance of male Tanner crab in Prince William Sound and establish a guideline harvest level for legal male Tanner crab if the preseason estimated abundance of T_H is above the minimum stock threshold for opening a fishery.

(b) The minimum stock threshold for the commercial fishery is 200,000 T_H (50 percent of A_H). The commercial fishery may open only if the preseason estimated abundance of T_H is greater than or equal to 200,000 crab. In addition, if the commercial fishery has been closed for more than two consecutive years, then the estimated abundance must be greater

than or equal to 200,000 T_H for more than one year before the commercial fishery may open. The commercial guideline harvest level will be determined as follows:

(1) the guideline harvest level for T_L may not exceed 15 percent of $A_C(T_H)$ if $A_C(T_H)$ is greater than or equal to 200,000 Tanner crab but less than 300,000 Tanner crab;

(2) the guideline harvest level for T_L may not exceed 20 percent of $A_C(T_H)$ if $A_C(T_H)$ is greater than or equal to 300,000 Tanner crab, but less than 400,000 Tanner crab;

(3) the guideline harvest level for T_L may not exceed 25 percent of $A_C(T_H)$, if $A_C(T_H)$ is greater than or equal to 400,000 Tanner 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 T_H to fall below the minimum stock threshold.

(c) In this section,

(1) " T_L " means male Tanner crab that are 127 mm (5.0 inches) or greater in carapace width, including the lateral spines, which is the legal size 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, including the lateral spines and is 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 proxy for the biomass at maximum sustained yield, and the value on which current thresholds are based;

(4) " $A_C(T_H)$ " means the current estimated abundance of T_H on which guideline harvest levels are calculated.