

ALASKA BOARD OF FISHERIES
Teleconference on Saint Matthew Island Section Blue King Crab Fishery
September 28, 2009
9:00 a.m.

TENTATIVE AGENDA

<p>NOTE: This tentative agenda is <u>subject to change</u> throughout the course of the meeting. NO ORAL PUBLIC COMMENTS WILL BE ACCEPTED AT THIS MEETING.</p>

1. OPENING BUSINESS
 Call to Order; Introductions of Board Members and Staff
 Board Member Ethics Disclosures

2. BOARD DELIBERATIONS
 Finding of emergency re Saint Matthew Island Section blue king crab fishery
 Petition on Saint Matthew Island Section blue king crab harvest strategy
 (5 AAC 34.917)

3. ADJOURN

AGENDA NOTES:

- A. This agenda is TENTATIVE and subject to change during the meeting. The board will not be taking public testimony; however, listen-in teleconference sites are available as follows:

Juneau: ADF&G, Headquarters office
1255 W. Eighth St.
Juneau, AK 99811

Kodiak: ADF&G Office
211 Mission Road
Kodiak, AK 99615

- B. A streaming audio of the meeting will be available through the board's website:
<http://www.boards.adfg.state.ak.us/fishinfo/index.php>.

- C. Copies of written materials for the meeting are available through the board's website:
<http://www.boards.adfg.state.ak.us/fishinfo/meetinfo/fcal.php>

Documents for meeting:

- *Agenda*
- *List of Board of Fisheries members*
- *Open meetings notice*
- *Petition from ADF&G (memo dated 9/22/09 with attached NMFS letter dated 9/21/09)*
- *Joint Board Petition Policy (5 AAC 96.625)*
- *Map of King Crab Registration Area Q*
- *Current regulations (5 AAC 34.917)*

ALASKA BOARD OF FISHERIES
(as of July 22, 2009)

<u>NAME AND ADDRESS</u>	<u>TERM EXPIRES</u>
Vince Webster (Vice Chair) PO Box 121 King Salmon, AK 99613	6/30/2010
Howard Delo PO Box 520707 Big Lake, AK 99652	6/30/2010
Mel Morris 917 Mill Bay Rd. Kodiak, AK 99615	6/30/2011
John Jensen (Chair) PO Box 681 Petersburg, AK 99833	6/30/2011
Bill Brown 9150 Skywood Drive Juneau, AK 99801	6/30/2011
Karl Johnstone 18618 Snowy Plover Circle Anchorage, AK 99516	6/30/2012
Janet Woods 5101 Electra Avenue Fairbanks, AK 99709	6/30/2012

Alaska Board of Fisheries members may also be reached at:

Boards Support Section
Alaska Department of Fish and Game
PO Box 115526
Juneau, AK 99811-5526
Phone: (907) 465-4110
Fax: (907) 465-6094
www.boards.adfg.state.ak.us

**NOTICE OF PUBLIC MEETING OF THE
ALASKA BOARD OF FISHERIES**

Regarding the Saint Matthew Island Section Blue King Crab Fishery

Notice is given that the Alaska Board of Fisheries (board) will meet by teleconference on Monday September 28, 2009, beginning at 9:00 a.m. The purpose of the teleconference is to consider an emergency petition submitted to the board requesting an amendment to the Saint Matthew Island Section blue king crab harvest strategy (5 AAC 34.917).

The request is considered under the Joint Board Petition Policy (5 AAC 96.625(f)) based on an unexpected resource situation where a biologically allowable harvest would be precluded by delayed regulatory action.

The board will not take oral public testimony during the teleconference. Listen-only teleconference sites will be provided to the public at the Alaska Department of Fish and Game offices in Kodiak and Juneau. For further information, a copy of the agenda, or addresses of the listen-in teleconference sites call Kristy Tibbles at (907) 465-4110.

For a copy of the petition, contact the Alaska Department of Fish and Game, Boards Support Section, P.O. Box 115526, Juneau, AK 99811-5526 (907-465-4110) or go to the website at: www.boards.adfg.state.ak.us/fishinfo/index.php.

If you are a person with a disability who may need a special accommodation in order to participate, please contact Kristy Tibbles at (907) 465-4110 to ensure that any necessary accommodations can be provided.

September 25, 2009
Jim Marcotte, Executive Director
Alaska Board of Fisheries

STATE OF ALASKA

DEPARTMENT OF FISH AND GAME

Division of Commercial Fisheries

SEAN PARNELL, GOVERNOR

P.O. BOX 25526
JUNEAU, AK 99802-5526
PHONE: (907) 465-4210
FAX: (907) 465-2604

MEMORANDUM

TO: John Jensen, Chairman
Alaska Board of Fisheries

Date: Sept. 22, 2009

THROUGH: John Hilsinger, Director
Division of Commercial Fisheries

FROM: Steve Honnold, Regional Supervisor
Region IV - Kodiak

SUBJECT: Petition for Emergency Regulation

The Alaska Department of Fish and Game hereby requests that the Alaska Board of Fisheries (board) adopt an emergency regulation amending the Saint Matthew Island Section Blue King Crab Harvest Strategy as follows:

5 AAC 34.917. Saint Matthew Island Section Blue King Crab Harvest Strategy.

Remove the minimum total allowable catch

[(a)(2) has a minimum total allowable catch threshold (not including the CDQ quota) for the commercial blue king crab fishery that is at least 2.5 million pounds; neither the commercial blue king crab fishery or the CDQ fishery under 5 AAC 39.690 will open if the minimum total allowable catch threshold is not met.]

Background

The Saint Matthew Island Section blue king crab stock was declared overfished by the National Marine Fisheries Service in 1999. In response to the overfishing declaration, a rebuilding plan was developed in 2000. Part of that rebuilding plan is the state harvest strategy (5 AAC 34.917 Saint Matthew Island Section Blue King Crab Harvest Strategy). The harvest strategy contains a minimum total allowable catch (TAC) of 2.5 million pounds (not including the community development quota fishery) for the fishery to open. The minimum harvest level was implemented to promote stock rebuilding. The minimum harvest level was also utilized as a management tool to reduce the risk of the fishery exceeding harvest targets when the competitive fishery was managed inseason. Since the 2005/06 fishing season the Saint Matthew Island Section blue king crab fishery has been included in the federal Crab Rationalization Program and

managed under a TAC. Inseason management of a competitive fishery is no longer conducted by ADF&G.

The stock was declared rebuilt by the National Marine Fisheries Service on September 21, 2009 (attachment A).

ADF&G has determined a harvestable surplus (above that needed for reproduction and the amount reasonably necessary for subsistence) of blue king crab is available under 5 AAC 34.917, but that surplus is less than the minimum TAC. ADF&G is requesting that the minimum TAC be removed from the blue king crab harvest strategy because it no longer serves the purpose for which it was originally developed and as an unforeseen effect of the regulation, will close the fishery when a harvestable surplus could be taken without the risk of exceeding the harvest target.

Justification for Emergency Action

Under the criteria listed in the Joint Board Petition Policy to be used by the board in determining whether or not an emergency exists, paragraph (f) of 5 AAC 96.625 reads in pertinent part:

...In this section, an emergency is an unforeseen, unexpected event that either threatens a fish or game resource, or an unforeseen, unexpected resource situation where a biologically allowable resource harvest would be precluded by delayed regulatory action and such delay would be significantly burdensome to the petitioners because the resource would be unavailable in the future.

The department believes that the requested emergency action is warranted because of the recently declared rebuilt status for Saint Matthew Island Section blue king crab and the identified harvestable surplus that will be foregone if the minimum TAC remains in the state's harvest strategy.

If the department's petition is granted, commercial fishing would be opened for the 2009/2010 fishing season which begins October 15, 2009.

cc: Denby S. Lloyd
David Bedford
Lance Nelson
Geron Bruce
Kerri Tonkin
Wayne Donaldson
Doug Pengilly
Forrest Bowers
Jim Marcotte
Sue Aspelund



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE

Alaska Fisheries Science Center
7000 Sand Point Way N.E.
Bldg. 4, F/AKC
Seattle, Washington 98116-0070

September 21, 2009

MEMORANDUM FOR:

Robert D. Mecum

FROM:

Douglas P. DeMaster,

Science and Research Director, Alaska Region

SUBJECT:

2009 status of stocks, rebuilding progress, and overfishing levels
for Bering Sea and Aleutian Island Crab Stocks

This memorandum provides the current status of stocks, progress towards rebuilding, and the Alaska Fisheries Science Center's recommendations for the 2009/2010 overfishing levels for ten eastern Bering Sea crab stocks.

2009 Status of Stocks Determinations

At the September 2009 meeting of the North Pacific Fishery Management Council's Bering Sea/Aleutian Islands Crab Plan Team, the status of the ten Fishery Management Plan (FMP) crab stocks were reviewed and their status relative to overfished and overfishing determined (Table 1). A stock is determined to be overfished if the 2008/2009 annual biomass estimate of mature male biomass on February 15, 2009 (MMB_{mating}) was below the minimum stock size threshold (MSST) or $0.5 B_{MSY}$. The status was found to be approaching an overfished condition if the projected 2009/2010 MMB_{mating} is below the projected 2009/2010 MSST. *Note that Tanner crab is approaching an overfished condition and Pribilof Islands blue king crab remains overfished.*

Overfishing is occurring if the total crab catch exceeds the 2008/2009 overfishing level (OFL) for the stock. The 2008/2009 overfishing determinations for the ten FMP crab stocks were reviewed by the Crab Plan Team in September 2009. The OFL is based on total catches including retained and discard mortalities except where noted. *As shown in Table 1, there were no stocks where overfishing occurred in 2008/2009.*



Table 1. 2009 Status of stocks relative to the 2008/2009 overfishing determination and the current overfished status for ten Bering Sea/Aleutian Islands crab stocks. Additional information on status and catch specifications can be found in the 2008 and 2009 Stock Assessment and Fishery Evaluation Reports for the King and Tanner Crab Fisheries in the Bering Sea and Aleutian Islands

Stock	Tier	MSST (10 ⁶ lbs)	2008/2009 [*] MMB ₂₀₀₉ (10 ⁶ lbs)	Overfished status	2008/2009 OFL (10 ⁶ lbs)	2008/2009 Total catch (10 ⁶ lbs)	2008/2009 Overfishing status
Bristol Bay red king crab	3	34.3	87.8	No	24.2	23.1	No
Eastern Bering Sea snow crab	3	163.4	241	No	77.3	69.5	No
Eastern Bering Sea Tanner crab	4	94.9	118.0	Approaching	15.52	4.96	No
Pribilof Islands red king crab	4	4.39	11.06	No	3.32	0.021	No
Pribilof Islands blue king crab	4	4.5	0.24	Yes	0.004	0.001	No
St Matthew Island blue king crab	4	4.0	10.74	No	1.63 [retained]	0.20	No
Pribilof Island golden king crab	5	NA	NA	NA**	0.17 [retained]	0.001	No
Adak red king crab	5	NA	NA	NA**	0.46 [retained]	0.0	No
Norton Sound red king crab	4	1.54	5.83	No	0.7125 [retained]	0.42	No
Aleutian Island golden king crab	5	NA	NA	NA**	6.93 [retained]	6.3	No

^{*}MMB as estimated during the 2009 assessment.

^{**}For Tier 5 stocks, it is not possible to set an MSST to determine overfished status because there are no reliable estimates of biomass.

2009 Progress Towards Stock Rebuilding

In 2008/2009 there were three Bering Sea/Aleutian Islands King and Tanner crab stocks still under rebuilding plans: Eastern Bering Sea snow crab, Pribilof Islands blue king crab, and St. Matthew Island blue king crab. A review of the status of these stocks relative to rebuilding found that:

1. The St. Matthew Island blue king crab stock MMB_{matng} was greater than B_{MSY} for the second year in a row and is now, therefore, considered rebuilt.
2. The Pribilof Islands blue king crab stock is not making adequate progress towards the 2012/2013 target rebuilding date. As a result, a revised rebuilding plan will be considered in 2009/2010. A low total catch OFL was recommended by the Crab Plan Team in September 2009 to account for low bycatch levels expected to occur in 2009/2010.
3. The eastern Bering Sea snow crab stock is not making adequate progress towards the 2009/2010 target rebuilding period. In order to be considered rebuilt by the established 10 year time period, MMB_{matng} would have needed to be greater than B_{MSY} in 2008/2009 and again in 2009/2010 in order to meet the two year standard above B_{MSY} required for rebuilding. The MMB_{matng} in 2008/2009 (241.1 million lbs) was determined to be below $B_{35\%}$ (326.7 million lbs) and the projected MMB_{matng} in 2009/2010 if fished at $F=0$ would also be below $B_{35\%}$ at 316.8 million lbs. As a result, a revised rebuilding plan will need to be developed by the North Pacific Fisheries Management Council (NPFMC) in collaboration with the National Marine Fisheries Service Alaska Region and the Alaska Department of Fish and Game (ADF&G) in 2009/2010. In the interim, to make faster progress towards rebuilding of the stock, the AFSC recommends taking a more conservative approach between $F=0$ and the maximum permissible under the National Standard Guidelines of the Magnuson-Stevens Fishery Conservation and Management Act (MSFCMA) to best meet the MSFCMA (Section 304(e)(4)) requirements for rebuilding time periods that are as short as possible, taking into account the needs of fishing communities. Four stock projections for F were considered in the 2009 stock assessment of eastern Bering Sea snow crab: $F=0$, 55% $F_{35\%}$ which would result in exploitation rates below or consistent with the 1999 to 2008 average, maximum permissible 75% $F_{35\%}$ under the MSFCMA (Section 304(e)(4)), and the current rebuilding strategy. The rebuilding times under these projections range from 3 years to 9 years starting from the 2009/2010 fishing season. The 55% $F_{35\%}$ interim rebuilding strategy appears to best meet the MSFCMA requirements mentioned above, allowing for the possibility of a 5 year additional rebuilding time frame from 2009/2010 and fishery harvests comparable to or above those during the period 2000-2006. This interim rebuilding strategy is also recommended to address the following conservation concerns: 1) it provides a Spawning Exploitation Rate that is at or below recent levels, 2) it provides additional protection to Tanner crab, which is caught in the directed snow crab fishery and which is now approaching an overfished condition, and 3) it reduces the possibility that snow crab will experience the crab stock collapses observed in the Gulf of Alaska. More details regarding this interim strategy can be found in the 2009 EBS Snow Crab Stock Assessment and Fishery Evaluation (SAFE) document.

Recommended 2009/2010 Overfishing Level Definitions

OFL definitions for Norton Sound red king crab and Aleutian Island golden king crab stocks were reviewed by the NPFMC Crab Plan Team and the Scientific and Statistical Committee in June 2009. These two stocks are considered in June due to their early fishery start date in the July 2009 to June 2010 crab fishing year cycle. Stock assessments for the remaining eight stocks were discussed and reviewed at the September Crab Plan Team meeting and recommendations were made for OFLs (Table 2). Total allowable catch and guideline harvest levels are set by the ADF&G consistent with the FMP for the Bering Sea/Aleutian Islands King and Tanner crab and the State/Federal Action Plan for Management of Commercial King and Tanner Crab Fisheries of the Bering Sea and Aleutian Islands. For all ten stocks, SAFE reports which present the stock data, model estimates, and biological reference points have been prepared for review by the SSC and NPFMC in October.

Table 2. 2009/2010 Overfishing Levels for ten Bering Sea/Aleutian Islands crab stocks. Additional information on status and catch specifications can be found in the 2009 Stock Assessment and Fishery Evaluation Report for the King and Tanner Crab Fisheries in the Bering Sea and Aleutian Islands

Stock	Tier	2009/2010 MMB _{matng} (10 ⁶ lbs)	F _{OFL}	2009/2010 OFL (10 ⁶ lbs)
Bristol Bay red king crab	3a	95.17	0.32	22.56
Eastern Bering Sea snow crab	3b	251.0	0.52	73.00
Eastern Bering Sea Tanner crab	4b	70.20	0.07	5.57
Pribilof Islands red king crab	4b	4.46	0.08	0.50
Pribilof Islands blue king crab	4c	1.13	0	0.004
St Matthew Island blue king crab	4a	12.47	0.18	1.72*
Pribilof Island golden king crab	5	NA	NA	0.18**
Adak red king crab	5	NA	NA	0.50**
Norton Sound red king crab	5	5.83	0.18	0.71**
Aleutian Island golden king crab	5	NA	NA	6.93**

NA = not applicable

*total male catch; **retained only

5 AAC 96.625. JOINT BOARD PETITION POLICY.

(a) Under AS 44.62.220, an interested person may petition an agency, including the Boards of Fisheries and Game, for the adoption, amendment, or repeal of a regulation. The petition must clearly and concisely state the substance or nature of the regulation, amendment, or repeal requested, the reason for the request, and must reference the agency's authority to take the requested action. Within 30 days after receiving a petition, a board will deny the petition in writing, or schedule the matter for public hearing under AS 44.62.190--44.62.210, which require that any agency publish legal notice describing the proposed change and solicit comment for 30 days before taking action. AS 44.62.230 also provides that if the petition is for an emergency regulation, and the agency finds that an emergency exists, the agency may submit the regulation to the lieutenant governor immediately after making the finding of emergency and putting the regulation into proper form.

(b) Fish and game regulations are adopted by the Alaska Board of Fisheries and the Alaska Board of Game. At least twice annually, the boards solicit regulation changes. Several hundred proposed changes are usually submitted to each board annually. The Department of Fish and Game compiles the proposals and mails them to all fish and game advisory committees, regional fish and game councils, and to over 500 other interested individuals.

(c) Copies of all proposals are available at local Department of Fish and Game offices. When the proposal books are available, the advisory committees and regional councils then hold public meetings in the communities and regions they represent, to gather local comment on the proposed changes. Finally, the boards convene public meetings, which have lasted as long as six weeks, taking department staff reports, public comment, and advisory committee and regional councils reports before voting in public session on the proposed changes.

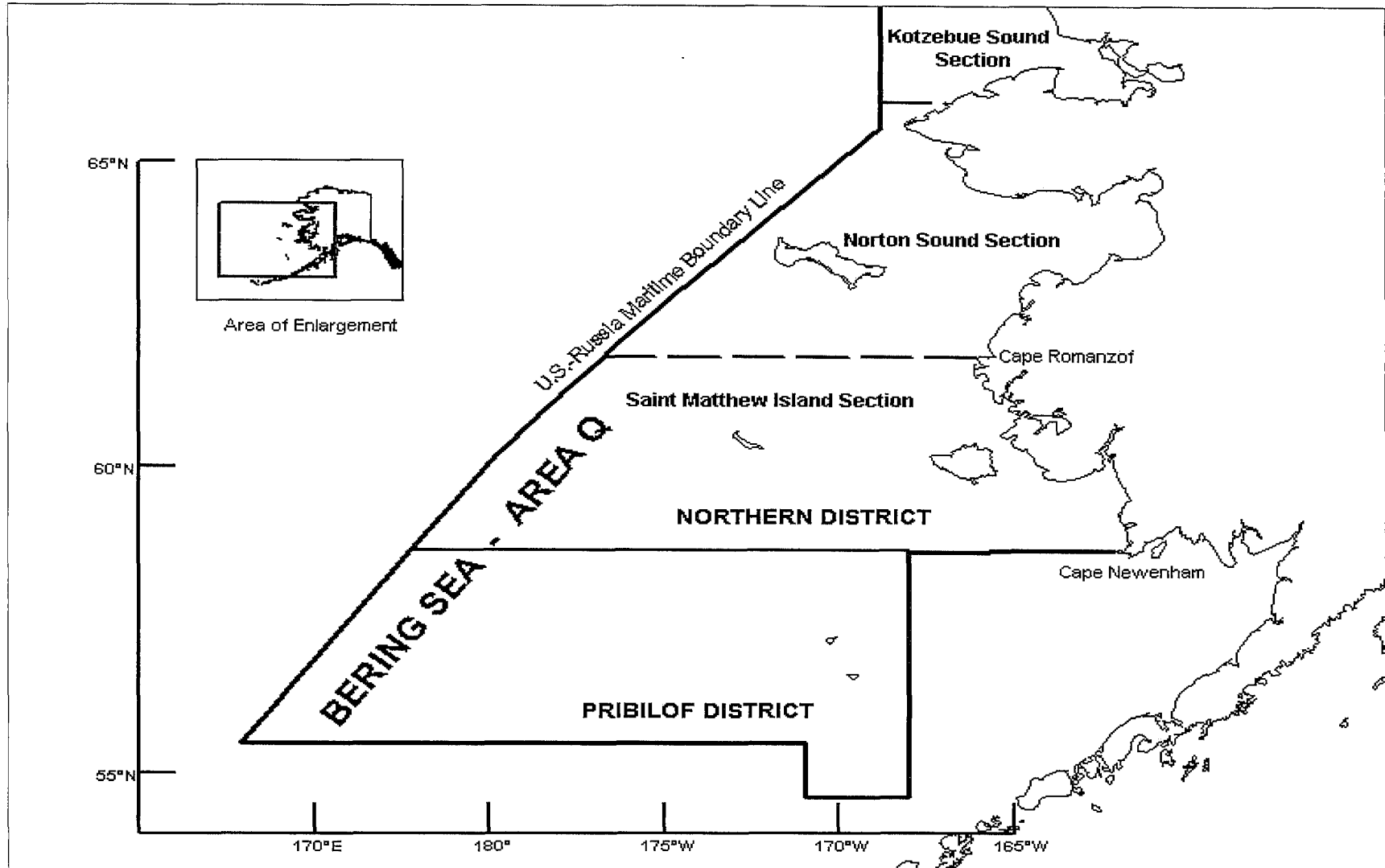
(d) The public has come to rely on this regularly scheduled participatory process as the basis for changing fish and game regulations. Commercial fishermen, processors, guides, trappers, hunters, sport fishermen, subsistence fishermen, and others plan business and recreational ventures around the outcome of these public meetings.

(e) The Boards of Fisheries and Game recognize the importance of public participation in developing management regulations, and recognize that public reliance on the predictability of the normal board process is a critical element in regulatory changes. The boards find that petitions can detrimentally circumvent this process and that an adequate and more reasonable opportunity for public participation is provided by regularly scheduled meetings.

(f) The Boards of Fisheries and Game recognize that in rare instances circumstances may require regulatory changes outside the process described in (b) - (d) of this section. Except for petitions dealing with subsistence hunting or fishing, which will be evaluated on a case-by-case basis under the criteria in 5 AAC 96.615(a), it is the policy of the boards that a petition will be denied and not schedule for hearing unless the problem outlined in the petition justifies a finding of emergency. In accordance with state policy expressed in AS 44.62.270, emergencies will be held to a minimum and are rarely found to exist. In this section, an emergency is an unforeseen, unexpected event that either threatens a fish or game resource, or an unforeseen, unexpected resource situation where a biologically allowable resource harvest would be precluded by delayed regulatory action and such delay would be significantly burdensome to the petitioners because the resource would be unavailable in the future. (Eff. 9/22/85, Register 95; am 8/17/91, Register 119; readopt 5/15/93, Register 126)

Authority: AS 16.05.251, AS 16.05.255, AS 16.05.258

King Crab Registration Area Q – Bering Sea



Current regulations (9/25/09)

5 AAC 34.917. Saint Matthew Island Section blue king crab harvest strategy

(a) In the Saint Matthew Island Section, the commissioner may, by emergency order, open the blue king crab fishery only if the department's analysis of preseason survey data indicates that the population of blue king crab

(1) contains a biomass of mature males of at least 2.9 million pounds; and

(2) has a minimum total allowable catch threshold (not including the CDQ quota) for the commercial blue king crab fishery that is at least 2.5 million pounds; neither the commercial blue king crab fishery or the CDQ fishery under 5 AAC 39.690 will open if the minimum total allowable catch threshold is not met.

(b) If the commercial blue king crab fishery is open under (a) of this section, and the mature male biomass ("B") is

(1) at least 2.9 million pounds, but less than 11.6 million pounds, the number of legal males available for harvest will be no more than a percentage of the estimated abundance of mature males equal to a number derived from the equation $[(B-2.9)/(8.7)*0.1+0.1]$ or 40 percent of the number of legal males, whichever is less;

(2) at least 11.6 million pounds, the number of legal males available for harvest will be no more than 20 percent of the estimated abundance of mature males or 40 percent of the number of legal males, whichever is less.

(c) In implementing this harvest strategy, the Alaska Board of Fisheries directs the department to use the best scientific information available and to consider the reliability of estimates of blue king crab, the manageability of the fishery, and any other factors it determines necessary to be consistent with sustained yield principles.

(d) For the purposes of this section,

(1) "legal males" means all male blue king crab at least 5.5 inches in width of shell;

(2) "mature males" means all male blue king crab at least 105 millimeters in length of shell.

History: Eff. 8/31/2000, Register 155; am 8/24/2002, Register 163; am 8/14/2005, Register 175

Authority: AS 16.05.060

AS 16.05.251