

M E M O R A N D U M

TO: Council, SSC, and AP members

FROM: Jim H. Branson
Executive Director

DATE: November 30, 1982

SUBJECT: Tanner Crab Fishery Management Plan

ACTION REQUIRED

Due to new problems in adjusting fishing seasons, the Regional office proposes that the Council consider Amendment #9 that will increase the Regional Director's flexibility in setting seasons. If acceptable, the Council should adopt the amendment for public review.

BACKGROUND

At the September meeting, the Council approved Amendment #8 for Secretarial review. The "housekeeping" amendment eliminated State/Federal regulatory differences in five areas of the plan: Pot Limits, Gear Placement, Size Limit, Gear Restrictions, and Fishing Seasons. However, with the 1982-83 Tanner crab fishery opening as early as November 1 in some areas, the Regional office of NMFS had to update the approved season dates by using its field order authority. The Central office has informed the Region that using field orders to set both opening and closing dates prior to the fishery, is a misuse of the authorization and will not be allowed in the future. In response, the Region has proposed that a framework be developed for the Fishing Season section of the FMP which would increase the Regional Director's flexibility in setting seasons, while not violating the authorized use of his field order power. A letter explaining further the problems in adjusting season dates is provided as item D-4(a). The Tanner crab Plan Maintenance Team has drafted a proposed framework, and it is provided as item D-4(b). The Region has asked that the Council accelerate the normal review by examining the framework at this meeting and adopting the amendment for a 30-day public review. In January the Council could take final action with the amendment submitted to the Secretary soon thereafter.

As directed by the Council, the PMT will soon begin amending the Tanner Crab FMP into a framework plan. It is hoped that much of the King Crab FMP can be used as a model. A tentative schedule for current and planned amendments is included in your notebooks as Item D-4(c).

Amendment #8, with its accompanying Environmental Assessment and Regulatory Impact Review is nearing completion and will be submitted for Secretarial review in the next few weeks.

Amendment #7, which established new C. bairdi OYs and set C. opilio equal to DAH (i.e. TALFF = 0), was published in the Federal Register on September 3, 1981 as a proposed rule. No date has been given by NMFS for final publication and implementation.



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
National Marine Fisheries Service
P.O. Box 1668
Juneau, Alaska 99802

December 3, 1982

Clement V. Tillion, Chairman
North Pacific Fishery Management Council
P.O. Box 3136 DT
Anchorage, AK 99802

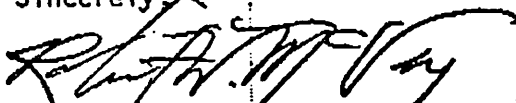
Dear Clem:

The Board of Fisheries routinely sets the opening dates for the Tanner crab fishing seasons at its March meeting. Because the lengthy plan amendment process precludes amending the Tanner Crab FMP to reflect annual changes in fishing seasons in a timely manner, the Regional Office has normally accommodated such changes by issuing field orders as an interim measure. General Counsel for the Alaska Region and the NMFS Central Office have determined that issuance of such field orders is not provided for in the Tanner crab FMP and the implementing regulations. Consequently, it is necessary that we ask the Council to begin the process of amending the Tanner crab FMP at the December meeting in order to provide for corresponding federal and state opening dates for the 1983-84 Tanner crab seasons.

Attached is an amendment to the Tanner crab FMP which would provide a framework for establishing annual season opening dates. The proposed amendment would enable the Regional Director to publish annual changes in opening season dates promulgated by the Board of Fisheries for public and Council comment, and then establish new opening dates as appropriate by notice. This procedure would eliminate the lengthy annual amendment process.

The time required to process and implement the proposed amendment and the time required to complete the procedures prescribed by the amendment itself necessitate the Council's putting the amendment out for public comment at the December meeting and taking final action on the amendment at the January meeting. Delaying action beyond these dates would, if the Board of Fisheries makes any changes in 1983, result in differing federal and state Tanner crab season opening dates for the 83-84 season without a legal means of resolving those differences.

Sincerely,



Robert W. McVey
Director, Alaska Region

Enclosure



NORTH PACIFIC FISHERY MANAGEMENT COUNCIL

Fishery Management Plan for the
Commercial Tanner Crab Fishery
Off the Coast of Alaska

AMENDMENT #9

Changes to the FMP

I. SUMMARY

Amendment #9 authorizes the Alaska Regional Director, National Marine Fisheries Service, to establish dates of the Tanner crab fishing seasons after receiving recommendations from the Council and after receiving public comments on a published notice of the Regional Director's initial determination to establish seasons. This procedure will greatly enhance the Regional Director's ability in utilizing this management measure.

II. CHANGES TO THE FMP

1. Replace the text after Fishing Seasons in sections 3.3.2.1. & 3.3.2.2. Regulatory Measures and Purpose of Measures with the following:

Open and closed fishing seasons are used to protect Tanner crab during the molting, mating, and growing periods of their life cycle. The season will normally be closed during those periods to protect crab from mortality caused by handling and stress when shells are soft and to maximize meat recovery by delaying harvest until the shells are filled out. Closed seasons will be set to maximize the reproductive potential of the Tanner crab population based on one or more of the following considerations:

- ° Closed seasons protect the breeding population of male Tanner crab during their migrations into shallow water breeding grounds.

- Closed seasons allow enough time preceding peak breeding periods so that male breeders are not overharvested as they segregate into discrete schools immediately prior to breeding.
- Closed seasons continue after molting periods until the shells have hardened enough to permit handling with minimal mortality and damage.
- Closed seasons should include all the sensitive periods of the life cycle of the crab, including egg hatching by females.

In some areas, provision for an open season that conflicts with some of the preceding conditions may be desirable based on one or more of the following considerations:

- Openings will provide for an exploratory fishery to encourage effort on a stock of low productivity which would otherwise not be fished during a normal season because fishermen would concentrate on more productive stocks.
- An opening may also be justified if adverse environmental conditions such as sea ice covering the fishing grounds prevent utilization of harvestable crab during a normal season even though the opening were during a period that was not optimal relative to the above considerations.
- An opening during a sensitive biological period will be designed to ensure that no irreparable damage will be done to any Tanner crab stock.

The biologically sensitive period in the life cycle of Tanner crab in the FCZ area is generally from spring to fall although the timing for individual stocks may vary somewhat, allowing some adjustments in seasons. Winter through early spring is generally the acceptable period for harvesting crabs from a biological standpoint. However, molting Tanner crab have been found to a certain extent at all times

of the year and in every area. Information on the early life history, molting frequency, and mating periods of Tanner crab is scarce and as more becomes known, managers will be able to determine more accurately the biologically sensitive periods for each area.

Tanner crab fishing seasons are established during periods when crab are not molting or reproducing, and when handling mortality should be low and meat content high. These periods may last up to nine months, far exceeding the time required to harvest the available catch. To meet the objectives of FMP, the Council may therefore consider socioeconomic as well as biological factors in setting fishing seasons.

Some of the factors the Council may consider are:

- ° Deadloss. Rationale -- All Tanner crab must be alive when processing begins. Those dying prior to processing are classed as "deadloss" and discarded. They are counted as part of the harvest and the OY. Deadloss increases if crabs are: (1) softshell, (2) not completely filled out, (3) held for long periods in boat tanks or processor holding tanks, (4) holding tanks are contaminated by fresh water, and (5) handled too many times. Seasons should be set when crab are hard and well filled out, and scheduled in relation to other fishing seasons and activities so deliveries and processing are orderly, thereby reducing to a minimum the time a catch is kept in vessel or processor holding tanks. Warm water temperatures and periods when fresh water may be a problem on the surface of bays and harbors should be avoided if possible since both factors increase mortality in holding tanks.
- ° Recovery rate. Rationale -- Seasons should be scheduled to produce the best possible recovery rate, which is the ratio of meat recovered in proportion to live weight. Since different segments of a stock within a fishing area may fill out at

different times during the acceptable biological season, it is not always possible to harvest all crabs in an area during the best meat recovery period.

- Weather. Rationale -- Insofar as possible seasons should be scheduled to minimize the period of severe weather conditions during the fishery to avoid loss of fishing time and losses of men and ships because of adverse conditions.
 - Cost. Rationale -- Costs of industry operations are affected by the timing of seasons. Seasons should be scheduled to minimize these costs.
 - Other fisheries. Rationale -- Seasons should be scheduled in consideration of other fisheries that will be making demands on the same harvesting, processing, and transportation systems needed in the Tanner crab fishery.
 - Coordinated season timing. Rationale -- Seasons should be scheduled in consideration of the need to time Tanner crab seasons relative to one another to spread fishing effort, prevent gear saturation in a particular area, and allow maximum participation in the fishery by all elements of the Tanner crab fleet.
 - Enforcement and management costs. Rationale -- Seasons should be scheduled in consideration of the costs of enforcement and management before, during, and after an open season as affected by the timing and area of different Tanner crab seasons and as affected by seasons for king crab and other resources.
2. Change the heading in 8.3.1.4. In-season Adjustment of Time and Area to read Adjustment of Fishing Areas and Seasons of the Tanner Crab Fishery. Insert the following text immediately after the second paragraph:

NPFMC FINDING ON THE SPECIFICATION OF OPENING AND CLOSING DATES OF THE FISHING SEASONS BY THE ISSUANCE OF NOTICES (ORDERS)

The Council may find it necessary that the opening and closing dates of the Tanner crab fishing seasons should be changed to optimize the economic efficiency of the industry for reasons discussed in sections 3.3.2.1. and 3.3.2.2. The Council will then request the Regional Director to establish any new seasons by publishing a notice to do so in the Federal Register. The Regional Director will publish such a notice, inviting public comments on his initial determinations. After considering any comments received, the Regional Director shall publish a notice of his final determination in the Federal Register.

Among the factors that the Regional Director must consider in making his determination are below. Rationale for these factors is found in sections 3.3.2.1. and 3.3.2.2.

1. Deadloss
2. Recovery rate
3. Weather
4. Cost
5. Other fisheries
6. Coordinated season timing
7. Enforcement and management costs

3. The following sections are modified as indicated.

A.3.3.2.1. and A.3.3.2.2. Regulatory Measures and Purpose of Measures.
[Southeastern Management Area]
Delete: 1. Fishing Season

C.3.3.2.1. and C.3.3.2.2. Regulatory Measures and Purpose of Measures.
[Cook Inlet Management Area]
Delete: Paragraphs 2 and 3

D.3.3.2.1. and D.3.3.2.2. Regulatory Measures and Purpose of Measures.
[Kodiak Management Area]
Delete: Fishing Season

E.3.3.2.1. and E.3.3.2.2. Regulatory Measures and Purpose of Measures.
[South Peninsula/Aleutian Management Area]
Delete: Fishing Season

TENTATIVE AMENDMENT SCHEDULE FOR THE
TANNER CRAB FISHERY MANAGEMENT PLAN

July 2, 1982	Tanner crab regulatory adjustment (re. pot storage) submitted to the Central office
July 22, 1982	Council approval of the Housekeeping Amendment (TC-8) for public review
September 22, 1982	Council review and approval of TC-8 for Secretarial review
December 6, 1982 (January 5, 1983)*	Approve TC-9 for public review (re. fishing seasons framework)
January 5, 1983 (March 23, 1983)*	Review and approval of TC-9 for Secretarial review
January 10, 1983	Tanner crab Plan Development Team meeting - discuss rewriting the FMP into a framework plan by plan amendment (TC-10) and begin writing assignments
April 1, 1983	Regulatory adjustment published as a proposed rule
May 1, 1983	TC-8 published as a proposed rule
May 1983	Tanner crab Plan Development Team meeting (if necessary)
May 15, 1983	Regulatory adjustment implemented
June 6, 1983	TC-8 (housekeeping amendment) implemented
July 1, 1983 (August 22, 1983)*	TC-9 (fishing seasons framework) implemented
September 22, 1983	First draft of framework Tanner crab FMP available

*Council action on TC-9 in January instead of December will affect the dates of these items.