

STATE OF ALASKA

DEPARTMENT OF PUBLIC SAFETY

DIVISION OF FISH & WILDLIFE PROTECTION

Agenda Item 19
January 1978

JAY S. HAMMOND, GOVERNOR

Richard L. Burton
Commissioner

POUCH N - JUNEAU 99811

Box 6188 Annex, Anchorage, Alaska 99502

January 16, 1978

Mr. James H. Branson, Executive Director
North Pacific Fishery Management Council
P. O. Box 3136 DT
Anchorage, Alaska 99510


Dear Jim:

Upon receipt of your letter dated December 20, 1977, I solicited comments from our enforcement officers here in Anchorage and in Kodiak concerning storage of crab pots during the closed season. Rather than summarize, I have provided their comments in total so you may have the maximum benefit of their thinking.

I personally do concur with their thoughts and know with certainty that we are not presently capable of monitoring the pot storage in 25 fathoms or less. To allow pot storage on the fishing grounds poses an even more impossible situation which ultimately benefits only those who choose to take the risk to profit at any cost.

I hope these comments are of assistance in your deliberations at the forthcoming Council meeting.

Sincerely,



Col. Fred M. Woldstad
Director
Fish & Wildlife Protection

FMW:rcp

Attachments



JAN 18 1978

MEMORANDUM

TO: Colonel Fred M. Woldstad
Director
Fish & Wildlife Protection
Anchorage

DATE: December 22, 1977

FILE NO:

TELEPHONE NO:

FROM: Captain Frank W. Sharp F.W.S.
Coastal Operations Commander
Fish & Wildlife Protection
Anchorage

SUBJECT: North Pacific Management Council
Pot Storage Recommendation.

The Council's proposed recommendation that crab pots be allowed to be stored on the fishing grounds is unsatisfactory for enforcement purposes. Anytime the commercial gear is placed on the fishing grounds it creates a potential for that gear to be actively fishing. This requires constant enforcement and pulling of the gear each time it is found to determine whether or not it is baited and fishing or whether or not the doors have been wired open and bait cans removed. By removing the gear from the grounds it eliminates much of this possibility. Even the present law which requires pots to be stored in specified depths which is not usually conducive to the fishery operation, is not a situation which we are content with. We would prefer a requirement that all pots be stored on land; this would eliminate any possible excuse for misuse of the gear, as it often profitable to take crab even in the supposed storage area depths. The practice of storing the pots in the water has contributed to the increased use of the gear by others than those who stored it; the gear being readily available to the pirates who then place this gear onto the grounds, sometimes even into areas closed to fishing, and then working that gear. Even if it is found by enforcement personnel, which is doubtful, the identification of the gear is that of the original owner and not that of the pirate user. This is true of stored gear on the grounds, anyone coming along could bait the gear and continue to fish it even without the owners knowledge since the owner would assume it was dutifully stored. This places the enforcement agency in the position of having to check all gear and then upon finding it to be fishing determine whether or not the owner who stored the gear had caused it to be fishing, which in almost in all cases would be impossible. This would create a situation where everyone contacted would say that they stored their gear and did not know how it could have been found fishing. Under present regulations crab fishermen are allowed to place their pots on the grounds 72 hours prior to an established season. The doors are to be wired open and bait removed. We in enforcement have known that all this accomplished was giving the fishermen three days of extra fishing time; what with the large areas to be patrolled and the number of boats involved in the fishery, weather conditions, and other factors, we can only pretend to control the misuse of this gear. Yet this proposal would allow for it on a full time basis.

The rationale that it would save fuel is ridiculous. Most of these boats run all the way up from Seattle and back down again. If we want to save fuel then why don't we restrict it to Alaskan boats only. When a season closes in one area and is open in another area the boats tend to move to the open areas; such as the Bering Sea, when that area closes he must then return to the area where he has his pots stored, when that time comes. So I can see no saving of fuel by allowing the gear to be stored on the grounds one way or the other.

December 22, 1977

The reported problems such as stored pots preventing shrimp fisheries due to concentrated storage of pots in some shrimp areas, and the problem of tug and barge traffic getting fouled up in stored gear would all be eliminated by requiring that all pots be stored on land; where the proposal on fishing ground storage would not prevent those who wish to store gear in both deep water and shallow water depths or from fishing in those areas. For barge traffic it would require establishing shipping traffic lanes where no fishing would be allowed such as they have done in some areas of Prince William Sound. The storing of gear on the grounds would tend to hold those fishing grounds to the operators who stored gear there and prevent other fishermen from putting gear into established fishing grounds, thereby giving a type of ownership to those who stored gear on the grounds. I can also see an increase in lost gear, possibly causing damage to the resource by capturing fish or shellfish in the pots lost on the fishing grounds due to lack of care during storage periods.

It seems we are always concerned about making it easy for the fishermen and never concerned for the resource or for the management of the resources. While there may be some valid concern as to use of fuel by the fishermen in requiring them to haul their pots either in to water storage or land storage, there is no concern as to the fuel that would be used and the time spent in enforcing the regulation. These fishermen spend millions for their boats and gear, industry spends millions for establishing processing plants, they both have reaped large profits from this fishery, many millions of dollars in a short period of time, it is about time something is required of them.

By removing the pots from the water for storage it would solve all of our problems. First it would eliminate almost all of the problems of enforcement during closed periods in not having to check gear stored on the grounds. Secondly it would remove stored gear from areas that might be potential fisheries for other types of gear and prevent incidental destruction of pots and buoys by shipping traffic traversing the areas. The benefit to the fishermen would be a reduction in lost gear, stolen gear and the destruction of the pots due to galvanic action, rust and other factors which tend to deteriorate the pots, lines and buoys when stored in the water.

FWS:del

cc: Lt. Col. Roberts
Lt. Clinton Converse

MEMORANDUM

TO: Colonel Fred Woldstad
Director
Fish & Wildlife Protection
Anchorage

DATE: January 9, 1978

FILE NO:

TELEPHONE NO:

FROM: Lt. Converse *w/c*
Commander
E Detachment
Fish & Wildlife Protection
Kodiak

SUBJECT: Tanner Crab Pot Storage

Lt. Lochman, Sgt. Byrd, and myself have discussed this matter. We feel that the best solution as far as enforcement is concerned is to require dry storage of the pots. Dry pot storage facilities are now available at Dutch Harbor, Akutan and Chernofski Harbor. Present facilities are not adequate for dry storage of all the gear but that would change rapidly if dry storage was required. Most of the better fishermen in the area now use dry storage. What AS 16.10.125 will require as a "termination device" may have some bearing on what kind of storage the fishermen would want to have.

If dry storage doesn't go we would like to see the pot storage remain as it is now. Storing gear in 25 fathoms or less may cause some gear conflicts with shrimpers such as Mr. Branson noted. The problem Mr. Branson noted with the tug and barge traffic and transiting ships going through gear in the inshore areas and the losses associated with this traffic would increase rather than diminish if the gear was allowed to be stored anywhere. Vessels now know where to expect and look for stored gear. If the gear was allowed to be stored anywhere there would be a loud cry from the fishermen about pot losses from foreign fishermen especially pair trawlers.

I don't see that we would be able to enforce early or late fishing if the gear was stored on the fishing grounds. It would be way beyond our capabilities to check even a minute amount of gear that could be fishing.

cc: Capt. Sharp



AGENDA ITEM 19
January 1978
U.S. DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
P.O. Box 1668, Juneau, Alaska 99802

December 29, 1977

Mr. Jim Branson, Executive Director
North Pacific Fishery Management Council
P.O. Box 3136 DT
Anchorage, Alaska 99510

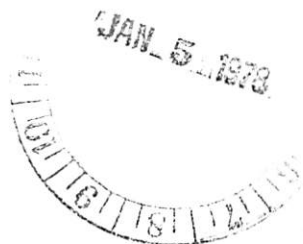
Dear Jim:

In your letter of December 16, 1977, you requested our assessment of the practicality of crab pot storage on the fishing grounds. You also reviewed the problems associated with inshore storage as presently required by State regulations.

We believe that fishing ground pot storage would pose its own problems and that these could best be avoided by seeking information and recommendations from the fishermen, the fishery managers and others with relevant knowledge. In arranging such input, the Board of Fisheries, because of its close association with its constituents and the Alaska Department of Fish and Game staff and its hearing and meeting procedures, could do a better job than the Council. As State regulations would require change at some point, it would seem advantageous for the State to take the lead in initiating the change. The Federal Regulations could thereafter be brought into conformance.

Sincerely,

John C. Surman
For: Harry L. Rietze
Director, Alaska Region



Agenda Item #19
January 1978

Post Office Box 1633
Kodiak, Alaska 99615
January 15, 1978

Mr. Jim H. Branson
Executive Director
North Pacific Fishery
Management Council
Post Office Box 3136DT
Anchorage, Alaska 99510

Dear Jim:

This is in reply to your letter of December 6, 1977, asking the cooperation of the Board of Fisheries on some items that concerned the Council in the troll salmon and tanner crab management plans. Although we discussed these informally during the Board meeting in December, I feel I should outline our actions in writing for your records.

Head-On Delivery of Troll Salmon.

At its December meeting the Board adopted regulations requiring all fin-clipped king and coho salmon to be landed with heads attached to the fish.

Subdistricts of the Bering Sea District.

The 58°39' North Latitude line which separates the Northern sub-district from the Pribilof and Southeastern subdistricts was adopted by the Board primarily to protect the Pribilof blue king crab stock. The retention of these subdistricts in the tanner crab regulations would not have any adverse effect on the U. S. tanner crab fishery, as far as I can tell. Possibly the Council was not aware that due to increased interest in C. opilio tanner crab last year, the Board on June 7, 1977, adopted emergency regulations which allowed the taking of tanner crab other than C. bairdi from November 1 through August 31 in the entire Bering Sea district. This, of course, means that when a subdistrict closes for C. bairdi, other tanner crab species may continue to be taken in that same subdistrict until August 31, unless closed earlier by emergency order. Since half the C. opilio population occurs south of 58° North Latitude, the Board felt it was not justified in requiring the U. S. fleet to move into the Northern subdistrict when the C. bairdi season closed. Emergency regulations are temporary, and this one has expired. However, this regulation will be proposed to the Board as a permanent regulation at its April meeting. I think a regulation

JAN 18 1978

January 15, 1973

such as this would solve the problem that concerned the Council without having to adjust the subdistrict boundaries. Another technique commonly used by the Alaska Department of Fish and Game is closing only portions of subdistricts to protect discreet segments of the population while allowing fishing to continue in the remainder of the subdistrict. Because of Alaska's legal requirement for public notice of changes in regulations, regulatory proposals must be submitted to the Board by February 3 for the April 3 meeting. (See enclosed news release.) If the Council wants to pursue this issue further, the January 26-27 meeting would be an opportune time for the Council to consider submitting specific proposals to the Board.

Crab Pot Storage.

The problems associated with storing crab gear during closed seasons have increased the last few years due to more vessels entering the fisheries coupled with increasingly larger complements of crab pots being fished. The reason for requiring the removal of gear from the grounds when a season closes involves enforcement of the closure. It is much more effective to survey a closed area to detect illegal gear than to pull each pot to determine whether it is illegally baited or not. The times that are critical are when an area is open adjacent to one that is closed for the same species. A fisherman could say he was storing part of his gear in the closed area and fishing the rest in the open area. Unless constant surveillance were made of the gear in the closed area, it would be highly possible for illegal fishing to occur. Perhaps a lot of this may hinge on how heavily the Coast Guard and the state of Alaska want to commit their enforcement efforts for the domestic fishery. It is the intent of the Board to inflict no more restrictions than are necessary to protect the resource.

There are problems with this regulation. The storage area adjacent to Amak Island in the Bering Sea experiences considerable commercial traffic during much of the year, resulting in the loss of a significant number of stored pots. Many fishermen have opted to leave their gear on the grounds between seasons and risk prosecution rather than risk loss of gear. Due to the limited enforcement capabilities of the state of Alaska in the Bering Sea much of this illegal storing has gone undetected. This further aggravates the law-abiding fishermen who continue to lose gear in the legal storage areas. This regulation may seem onerous to the fishermen, but the Board has not to date received any proposals from the public for changing it. Rather than encumber the development of the management plans, I think this problem can be resolved through the regulatory process. I would hope that this spring the public will submit to the Board proposals offering some solution. The Board would appreciate any suggestions or specific proposals the Council may have on this matter.

Mr. Jim H. Branson

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January 15, 1978

I will be happy to discuss any of these matters in more detail at the January 26-27 meeting.

Sincerely,



Nick Szabo
Chairman
Alaska Board of Fisheries

Enclosure

cc: Board of Fisheries Members
Commissioner Skoog
Carl Rosier



Jay S. Hammond
Governor

Ronald O. Skoog
Commissioner

NEWS

IMMEDIATE RELEASE

DECEMBER 28, 1977

FISHERIES BOARD ACCEPTS PROPOSALS

JUNEAU---The Alaska Board of Fisheries is currently accepting regulatory proposals for the 1978 shellfish, subsistence and hand troll fisheries, and for private non-profit salmon hatchery regulations. The Board must receive the proposed changes by Feb. 3, 1978 for the changes to be considered at the Board of Fisheries meeting starting in Anchorage on April 3.

Proposals should be sent to the Board of Fisheries, Subport Building, Juneau, Alaska 99801. Each proposal must be stated in precise terms, must refer to the specific section of the regulations by number and must contain a statement justifying the proposed change.

For those who wish to use them, forms making it easier to outline the proposed changes are available at Department of Fish and Game offices, and Department personnel at the offices will also aid in the preparation of proposals.

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December 6, 1977

Mr. Nick Szabo, Chairman
Alaska Board of Fisheries
Westward Hotel
Anchorage, AK

Dear Nick,

At it's meeting on December 1 and 2 the North Pacific Council made some changes to the Fishery Management Plans being developed by the Council and asked cooperation from the State of Alaska in implementing portions of those plans. In general, of course, the plans are patterned on Alaska regulations for the Tanner crab fishery and troll salmon fisheries, but because of foreign participation in the Tanner crab fishery, there are some variances between Alaska's regulatory areas and those specified in the FMP.

I refer specifically to statistical area J (westward) and the Bering Sea district within that statistical area. The Council has recommended that no foreign fishing for Tanner crab be permitted in the Bering Sea south of 58° North Latitude. The dividing line between regulatory subdistricts in the Bering Sea district is the latitude of Cape Newenham (58° 39' North Latitude). If the 39' of latitude difference is allowed to remain between the two boundary lines, it would mean that after the U.S. Tanner crab fishery closes in the southeastern subdistrict and Pribilof subdistrict, U.S. fishermen would have to move north of 58° 39' North Latitude to continue a fishery on C. opilio Tanner crab, while the foreign Tanner crab fishermen could continue fishing in that 39 mile strip between 58° North and 58° 39' North. The North Pacific Council would appreciate very much the Alaska Board of Fisheries consideration of this matter and their recommendation to adjust the subdistrict boundaries to conform to the Fishery Management Plan.

There is a problem in advancing this proposal from the Council in that we are not completely sure that the 58° North Latitude line will be adopted by the U.S. Secretary of Commerce when she approves the Council plan. The Council feels that the possibility of the Secretary changing the Council's recommendation is remote, but nevertheless feels that they should warn you of the possibility. I would expect

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that any change that did occur would not change the boundary line significantly in terms of the U.S. Tanner crab fishery. The fishery management plan should be published as the Secretary's notice of proposed rulemaking before the end of December, so the definite boundary line will be known at that time.

I would suggest changing Section 5AAC 35.505 of the Commercial Fishing Regulations to read as follows:

5AAC 35.505 DESCRIPTION OF DISTRICTS

(e) BERING SEA DISTRICT: All Bering Sea waters of Statistical Area J north of 54°36' North Latitude.

(1) SOUTHEASTERN SUBDISTRICT: All waters of the Bering Sea district east of 168° West Longitude and south of 58° North Latitude.

(2) PRIBILOF SUBDISTRICT: All waters of the Bering Sea district west of 168° West Longitude and south of 58° North Latitude.

(3) NORTHERN SUBDISTRICT: All waters of the Bering Sea north of 58° North Latitude.

An alternative might be to write the subparagraphs something along this line:

(1) SOUTHEASTERN SUBDISTRICT: All waters of the Bering Sea district east of 168° West Longitude and south of a line closing the foreign fishery for Tanner crab as specified by the Fishery Management Plan adopted by the U.S. Secretary of Commerce (cite federal regulation) on (cite date) including all waters of Bristol Bay.

The wording may not be adequate from a legal standpoint. If the regulations do not have to be written immediately there should be a definite line to consider by the first of the year.

HEAD ON DELIVERY OF TROLL KING SALMON

When the Council adopted the troll salmon plan with amendments as specified at the December 2 meeting, they asked the cooperation of the State of Alaska in requiring the delivery of finclipped salmon with heads attached. Rather than recommending the promulgation of a federal regulation, that would in large part overlap current state landing regulations, the Council would much prefer to handle this matter through State of Alaska Regulations if you are willing.

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As you are aware, there are literally millions of coded wire tagged King salmon at sea that will be involved in the fisheries for the foreseeable future. These tags have been inserted in fingerlings from virtually all West Coast streams, including those in Alaska, and the Council is funding a contract with the Alaska Department of Fish and Game for recovery of those tags taken in the Alaska troll fishery. Many of the freezer trollers now land their fish heads off. Since the tag is inserted in the nose that vital tagging information is lost on those fish. All tagged fish have been finclipped so they are recognizable as carrying coded wire tags. In order to obtain as much information as possible from this very valuable tagging program, the Council feels that it is necessary to require that those fish be landed with the heads on. Testimony from trollers during public consideration of the draft troll salmon plan indicated that most of the trollers would be willing to comply with this requirement.

CRAB POT STORAGE

The Council has asked for a study on the feasibility of storing crab pots during closed seasons on the fishing grounds rather than moving them into shallower water or specified storage areas as now required by State of Alaska regulations. While they have no definite recommendation on this subject now, I would like to make you aware that they are studying the problem and will probably confer with the Board of Fisheries as soon as they have enough information to come to a conclusion.

There appears to be definite savings in running time and vessel expense if pots do not have to be shuttled from the grounds to a storage area and thence back to the grounds when a season opens. Those savings must be balanced of course, against any biological or enforcement problems such a change might incur.

The North Pacific Council would appreciate the Board of Fisheries study of these requests. It is a short time frame but the Council had not had an opportunity to study these items until its meeting last week.

Sincerely,

Jim H. Branson
Executive Director

cc: Rietze
F31-DC.

COPY



DEPARTMENT OF TRANSPORTATION
UNITED STATES COAST GUARD

AGENDA ITEM #19
January 1978
Address reply to:
COMMANDER (d)
Seventeenth Coast Guard District
P.O. Box 3-5000
Juneau, Alaska 99802
(907) 586-7298

16214
19 JAN 1978

Mr. Jim H. Branson
Executive Director
North Pacific Fishery Management Council
P. O. Box 3136 DT
Anchorage, Alaska 99510

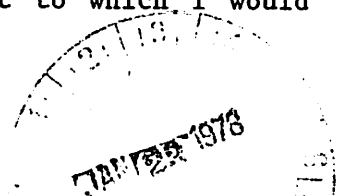
Dear Jim:

I am writing with regard to your letter of December 20, 1977 requesting comments concerning the storage of crab pots during the off season in the Bering Sea. During the time since our last council meeting, I have discussed this question with people from various organizations and have come to realize that it is a much more complex question than I had realized initially. In view of the fact that we are not faced with the need for an immediate answer since the season is just starting, I recommend that the Council establish a working group made up of members of the Council, the Advisory Panel, the Scientific and Statistical Committee, Alaska Department of Fish and Game, National Marine Fishery Service and the Coast Guard to develop and recommend to the Council a position on this question. I would recommend that this be done prior to the next meeting of the Alaska Board of Fisheries in order that our recommendation can be coordinated with them.

I do have some thoughts on this question, primarily from the law enforcement standpoint which I will share at this point. We have had complaints from tug and barge operators regarding gear conflicts with fishing gear stored in shallow water. Traditionally, the tug and barges operate as close inshore as possible in order to avoid the severe weather and to give themselves an opportunity to duck into protected areas when bad weather does approach. As you well know, we have frequently had problems with gear conflicts throughout the state. Anything that we can do to mitigate or eliminate gear conflicts would be to great advantage.

If the pots are stored on the grounds, I can say categorically that we could not enforce the provisions of the regulations that require the pots to be stored with doors wired open and bait cans removed. There is no way that we could undertake to pull pots even on a spot-check basis, to determine if these requirements are being met. I am sure that the Alaska Department of Fish and Game would feel much the same way with their vessels.

We also have the potential for gear conflict with the foreign trawlers who are fishing in the area where the pots would be stored. Since I am not fully aware of the areas where the fishermen would like to store their pots, I cannot comment directly on the extent to which I would



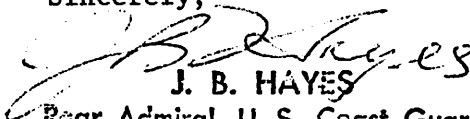
anticipate gear conflicts; however, it is a real possibility. If there are gear conflicts with the foreign trawlers, then I can certainly foresee pressure from the U. S. fishermen for the Coast Guard to monitor more closely the areas where the crab pots are stored to prevent foreign trawlers from destroying crab gear. A way around this problem might be to have a designated area where pots can be stored on or near the grounds and then to close that area to foreign trawlers.

Another law enforcement problem could result from the fact that the crab fishermen will be allowed to fish north of 58°N. after the season south of 58°N. is closed. If pots are allowed to be stored in the area south of, but close to, the 58°N. line, there may be great inducement for fishermen who are fishing north to make a dash south of 58°N. to what may be more productive grounds, certainly more productive for C.Bairdi, in order to increase their catch. This problem can also be solved by either storing the pots in the area well away from the 58°N. line or by allowing the fishermen to only catch C.Opilio north of 58°N. and require them to return C. Bairdi to the sea. This would eliminate much of the inducement to take the chance to try to fish south of 58°N. during the off season.

Finally, as we all recognize, with the price of crab as high as it is, there is great inducement for fishermen to try to beat the season by going out and baiting their traps before the season commences. Allowing the fishermen to store their pots on the grounds will certainly add to that inducement in that they can much more easily go to the grounds, bait their pots and come back for inspection prior to the opening of the season. While this is and always has been a major concern to the State of Alaska enforcement people, I understand that one or two possible solutions to this problem have also been proposed by some of the industry representatives. I also would not be opposed to undertaking some additional patrol effort, primarily aircraft surveillance, in the period just prior to the opening of the season.

There are a number of potential problems which would concern me in the law enforcement area if we allow U. S. fishermen to store their pots on the fishing grounds in the Bering Sea. However, I do think that since the fishermen feel that the matter is as important as it is and it would obviously result in savings to the fishermen, we should do everything that we could to try to accommodate their desires. For this reason, I feel that a working group to develop input from all of the various sources who have concerns regarding the area of pot storage is in the best interest of the Council. Once the Council develops a recommended position and coordinates it with the Board of Fisheries, we would be much surer of having a workable solution. Also, I would anticipate that in order to solve this problem there will have to be some adjustments to the regulations for fishing in the Bering Sea possibly for both foreign and domestic fishing.

Sincerely,



J. B. HAYES

Rear Admiral, U. S. Coast Guard

Commander Seventeenth Coast Guard District

Copies to:
Alaska Department of Fish and Game